This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Cw. U.K.
X605
A669

8w. Jur. a. 20. 5-2.

CW.J.K.
X 605
A 669

STATUTE

5 & 6 WILLIAM IV.

CAP. 76.

THE

Municipal

CORPORATION ACT.

(5 & 6 Wm. IV. c. 76.)

COMPARED WITH, AND CORRECTED BY

THE ROLL.

WITH

A PRACTICAL INTRODUCTION,

NOTES AND FORMS,

AND THE

CASES DECIDED

UPON THE ACT.

BY

JOHN FREDERICK ARCHBOLD, Esq.

BARRISTER AT LAW.

LONDON:

SAUNDERS AND BENNING, LAW BOOKSELLERS,

(SUCCESSORS TO J. BUTTERWORTH AND SON,)

43, FLEET STREET.

1836.

LONDON:
PRINTED BY STEWART AND CO.,
OLD BAILEY.

ADVERTISEMENT.

THE Editor of this little Work, being engaged some short time since to argue a point arising upon the construction to be given to some of the clauses of this Municipal Corporation Act, found that three copies of the Act, produced upon that occasion, and all printed by the King's Printer, namely, the usual Folio Copy, the small Quarto Copy, printed for and usually sent to Magistrates, and a small Copy in Duodecimo, varied from each other very materially, in one or two at least, of the sections then under consideration. He did not examine them further, and of course cannot say, whether there were similar variances in other sections; but this was sufficient

to convince him that one or more of the Copies were erroneous, and could not be depended upon. As the Act is a very important one, and it is therefore very desirable to the Profession that they should have a Copy, on the correctness of which they can safely depend, the Editor has taken the pains to examine the present Copy with the Parliament Roll, and he can pledge himself for its accuracy. This is almost the only object he had in giving this little Work to the Public.

5, King's Bench Walk, Temple.

1836.

CONTENTS.

	Page
INTRODUCTION	1
THE STATUTE, 5 & 6 Wm. IV. cap. 76. for the Regulation of Municipal Corporations, with Notes and Schedules	23
CASES decided upon it	ix
ORDERS IN COUNCIL	224
RETURNS of the Revising Barristers	229
INDEX	237

ERRATUM.

Page 15, line 14 from top, after "*juries,*" add "*at the quarter-sessions.*"

CASES

DECIDED UPON THE STATUTE.

*** *The following are the only Cases which have as yet been decided upon the Statute:—*

R. v. *Arnold.*

A rule *nisi* was granted by the Court of King's Bench, for a mandamus to the town clerk of a borough, to permit A and B, (two of the burgesses of the borough), either together or apart, to have inspection of the voting papers after an election for councillors, and to take copies of them, and compare the same with the originals. This question arose upon the 35th sect. of the statute, *post*, p. 60. And upon cause shown, the Court held that the town clerk was not bound to allow more than one burgess at a time to have inspection of the voting papers, nor was he bound to deliver more than one voting paper at a time to the burgess applying for such inspection; but they held that, although the statute did not require the town clerk to give copies of or extracts from such voting papers, yet he was bound to allow the burgess, who should so inspect a voting paper, to make a copy of or extracts from it.

R. v. *The Justices of Gloucestershire.*

At the last general quarter sessions for the county of Gloucester, an application was made to the Court, to confirm and enrol an order of two justices of the county, made since the passing of this act, for diverting and turning a public foot-path in the parish of Clifton. Clifton was formerly a part of the county of Gloucester, for all purposes; it was afterwards added to the city of Bristol, by the Boundary Act (2 & 3 W. 4. c. 64. sch. O), as far as respected voting for members of parliament; and upon the application to the sessions above mentioned, a question arose, whether the 7th and 8th sections of the present statute (*post*, p. 30, 31), had not taken the jurisdiction in this respect from the magistrates of the county, and vested it in the magistrates of Bristol. The sessions held that such was the case, and that neither the magistrates who made the order, nor the Court of Quarter Sessions for the county had jurisdiction with respect to this foot-way; and they accordingly refused the application.

In last term (H. 1836), a rule *nisi* was obtained in the Court of King's Bench, for a mandamus to the justices, requiring them to receive and enter the application as of last sessions, and to enter continuances, &c. Cause being shewn against the rule, the Court held, that by the 7th and 8th sections of this statute, every place included within the bounds of a borough by the Boundary Act, was part of that borough for all purposes; that the parish of Clifton was, therefore, part of the borough of Bristol, and the justices of the county had no jurisdiction within it.

*** *In addition to these, the Court, during the last term, granted several rules nisi, involving questions on the statute, which rules are now pending. But as the Court, in granting them, gave no intimation of their opinion upon the points raised by them, it would be useless to notice them here. As soon as they shall be decided, a short report of them will be added to this work, by way of supplement.*

INTRODUCTION.

BEFORE I enter into a description of corporations, as altered by this statute, it may be necessary to premise—

1. That by this statute (*a*) so much of all statutes, usages, charters, grants, and letters patent relating to the boroughs named in schedules (A) and (B) (that is to say, all the municipal corporations in England and Wales now subsisting, except London and a few others,) which are inconsistent with the provisions of this Act, are repealed; so that these corporations are now regulated in common by the provisions of this act as far as they go, and each of these corporations is regulated in other respects by the charter or statute applicable to it, as far as such charter or statute is consistent with the provisions of this act.

2. That the King hereafter may, upon petition, grant a charter of incorporation to any town, not now incorporated; immediately upon which, the provisions of this statute shall apply to such new corporation (*b*).

3. That all the present mayors, aldermen, common councilmen, &c. shall go out of office, immediately after the declaration of the first election of councillors under the provisions of this act; but such of them as by office have been justices of the peace, shall continue to act as such, until the 1st May next. (*c*)

4. For some purposes, the present body of freemen are still to be retained and kept up; namely, for the purpose of voting for members of Parliament (*d*), and for the purpose of enjoying the same share of the lands, or profits thereof, and of the common lands and public stock, of the borough, and of all monies, &c. possessed by the corporation for charitable uses, which they would have enjoyed, if this act had not passed (*e*). And for the purpose of ascertaining what persons are entitled to such rights, the town clerk shall make out a list or roll, to be called *The Freemen's Roll*, containing the names of the present freemen, and of all persons

---

(*a*) Sect. 1.
(*b*) Sect. 141.
(*c*) Sect. 38.
(*d*) Sect. 4.
(*e*) Sect. 2.

who hereafter may be admitted freemen by the mayor, in respect of birth, servitude, or marriage (*f*); but no freemen shall hereafter be created by gift or purchase (*g*). All persons now freemen or apprentices to freemen shall hereafter be exempted from tolls, &c.; but except as to them, all such exemptions are now abolished, and shall not be enjoyed by any other person in future.

5. That hereafter all exclusive right of trading, &c. within a borough, shall be deemed to be wholly abolished (*h*).

6. That this Act does not extend to the city of London, that not being named in the schedules (A) and (B) to the Act annexed, which comprise the names of all the cities or boroughs to which alone the statute extends. By the Act also it is provided, that it shall not interfere with his Majesty's dock-yards, &c. (*i*), or with the rights of Oxford or Cambridge (*j*), or with the jurisdiction of the Cinque ports (*k*), or with the jurisdiction over precincts of cathedrals (*l*), nor shall it affect the grammar school at Louth (*m*).

7. That the boundaries of the boroughs named in the 1st sections of schedules (A) and (B) to the act annexed, shall be the same as the limits thereof respectively described in the Boundary Act, 2 & 3 W. 4. c. 64. *ss.* 35—38, *and Sch.* O; but of the boroughs named in the 2d sections of the same schedules, the boundaries shall remain as they now are, until altered by Parliament (*n*). The boroughs of large population, comprising all those named in schedule (A), shall each be divided into the number of wards mentioned in that schedule (*o*), with liberty to the Revising Barristers to vary the number in some cases, so as to make them accord with the ancient division of the borough. (*p*)

I. THE NEW CORPORATIONS.

The corporation of each borough shall consist of a mayor, aldermen, councillors and burgesses; of which the mayor, aldermen and councillors, shall constitute what is termed the council. The style or name of the corporate body shall be "*The Mayor, Aldermen and Burgesses of* ——."

(*f*) Sect. 5.
(*g*) Sect. 3.
(*h*) Sect. 14.
(*i*) Sect. 89.
(*j*) Sect. 137.
(*k*) Sects. 134, 135.
(*l*) Sect. 138.
(*m*) Sect. 136.
(*n*) Sect. 7, and see *s.* 8.
(*o*) Sect. 39.
(*p*) Sect. 41.

Burgesses.] All male persons, of full age on the last day of August in any year, who shall have occupied any house, warehouse, counting-house or shop within the borough, during that year and the whole of the two preceding years, and during that time shall also have been an inhabitant householder within the borough or within seven miles of it, and shall during the whole of the time be rated to the poor for the premises so occupied by him in such borough, and shall have paid all such rates and all borough rates payable by him, except those payable within six months previous to the said last day of August: such persons (and none others), (*q*) being duly enrolled, shall be burgesses of that borough. (*r*) Aliens however shall not be enrolled as burgesses; nor shall any person, who shall have received parochial relief or other alms, or any pension or charitable allowance from any fund entrusted to the charitable trustees of the borough. (*s*) And if such occupier be not rated to the poor, he may claim to be so, whether his landlord be so rated or not, and on his paying or tendering the amount of the last rate, the overseer shall put his name on the rate book. (*t*) Also, where such house, warehouse, counting-house or shop, shall come to any man by descent, marriage, marriage settlement, devise, or by promotion to a benefice or office, he may reckon the occupancy and rating of the person from whom he derives it, or whom he succeeds, as his, and be enrolled a burgess accordingly. (*u*)

On the 7th November in this year, and on the 5th September in every subsequent year, the overseers of the poor in every parish within the borough shall make out a list (to be named "*The Burgess List*") of all those persons, who are entitled to be burgesses in respect of property within the parish, and deliver such list to the town clerk, who shall cause copies of the same to be printed, and given to any person requiring the same. (*w*) Any person omitted in such lists, and claiming to have his name inserted, may give notice thereof to the town clerk; or any person included in the lists, may object to any other person in them, as not being enitled to be a burgess; and the town clerk shall make out a list of the claims and objections. (*x*) These claims and objections shall be considered, and the lists revised, in the first year by Barristers appointed for the purpose, (*y*) and in the second and every subsequent year by the mayor and two assessors. (*z*) The revised lists are then to be kept, and copied into a book, by the town clerk, which book shall be "*The Burgess Roll*" of the burgesses entitled to vote; (*a*) and copies shall be printed, and delivered to all persons applying

---

(*q*) Sect. 13.
(*r*) Sect. 9.
(*s*) Id. and see Sect. 10.
(*t*) Sect. 11.
(*u*) Sect. 12.
(*w*) Sect. 15, and see *ss.* 16. 24.
(*x*) Sect. 17.
(*y*) Sect. 20, and see *s.* 42.
(*z*) Sect. 18, and see *ss.* 19. 21.
(*a*) Sect. 22.

for them. (*b*) In boroughs divided into wards, the burgess roll shall be made out in lists, (to be named "*The Ward Lists*") containing the names of the burgesses in the respective wards. (*c*) So in such boroughs, such burgess, in voting for councillors or assessors, shall vote in that ward, in which it appears from the burgess roll his property is situated; and if he have property in two or more wards, still he shall have but one vote. (*d*) Burgesses taking bribes for voting or forbearing to vote, are liable to a penalty of 50*l.* and disabled from afterwards voting. (*e*)

The burgesses elect the councillors, assessors and auditors.

Councillors.] The councillors are elected by the burgesses; (*f*) the number for each borough is regulated by the schedules A. and B. annexed to this Act; (*g*) and in boroughs divided into wards, a certain number of councillors shall be elected for each ward, which number shall in each case be determined and settled by the Revising Barristers. (*h*) They are to be elected from those who are entitled to be upon the burgess list, having a certain property, and not being in holy orders, or dissenting clergymen, not holding office or place of profit under the council of the borough, and not interested either by themselves or partners in any contract or employment under such council. (*i*) The amount of property required as a qualification, is regulated thus: in all boroughs divided into four wards or more, each councillor must either have real or personal property to the amount of 1000*l.*, or be rated to the poor of the borough upon an annual value of not less than 30*l.*; or in boroughs divided into less than four wards, or not divided into wards, he must either have real or personal property to the amount of 500*l.*, or be rated to the relief of the poor of the borough upon an annual value of not less than 15*l.* (*k*)

The first election of councillors is to be on the 26th December 1835; (*l*) and afterwards, on the 1st November in every year, one third of the councillors shall go out of office, and either others elected in their stead, or the same re-elected. (*m*) So, in boroughs divided into wards, the councillors for each ward shall be elected by the burgesses of that ward; and afterwards one third of the councillors of each ward shall annually go out of office, and others be elected or the same re-elected, in like manner. (*n*) And in the case of an occasional vacancy, another councillor shall be elected to supply it, at such

---

(*b*) Sect. 23.
(*c*) Sect. 45.
(*d*) Sect. 45.
(*e*) Sect. 54, and see ss. 55, 56.
(*f*) Sect. 29.
(*g*) Sect. 25.
(*h*) Sect. 41.
(*i*) Sect. 28.
(*k*) Sect. 28.
(*l*) Ord. C. 11 Sep.
(*m*) Sect. 31.
(*n*) Sect. 43.

time as shall be appointed for that purpose by the mayor or the alderman of the ward; (*o*) and the person so elected, shall hold his office until the time at which the person, in whose stead he was elected, would regularly have gone out of office. (*p*) In boroughs not divided into wards, the first election will be before the mayor (*q*), but in every subsequent year before the mayor and the assessors (*r*); in boroughs divided into wards, the first election shall be before the mayor or such other person as he shall appoint, and in every subsequent year shall be before one of the aldermen whom the councillors of the ward shall for that purpose annually nominate, and before two assessors. (*s*) The election shall commence at nine o'clock in the morning, and finally close at four o'clock in the afternoon of the same day. (*t*) As to the manner in which the election is to be conducted, *see sect.* 32 *to* 36. 43, 44. 46. If a councillor become bankrupt or insolvent, &c., or be absent for more than six months at any one time (except from illness), he shall cease to hold the office, and the same may thereupon be declared vacant. (*u*)

The councillors, upon being elected, must accept the office and sign a declaration of their acceptance thereof within five days, or pay a fine not exceeding 50*l.* (*x*) Before they act in the execution of their office, they must make and subscribe a declaration as to their qualification, and of their acceptance of the office; (*y*) and if any person shall act as councillor before he shall have made and subscribed such declaration, or shall not be qualified at the time he makes it, or shall act as councillor after he ceases to be qualified, he shall forfeit a penalty of 50*l.* (*z*)

The councillors, together with the mayor and aldermen, constitute the council of the borough. (*a*)

Aldermen.] The number of aldermen shall be one-third of the number of councillors for the same borough. (*b*) On the 31st December, 1835, the first election for aldermen shall take place; (*c*) and on the 9th November, 1838, and in every third year afterwards, one-half the aldermen shall go out of office, and others be elected in their stead, or the same re-elected. (*d*) And in the case of an occasional vacancy, another alderman shall be elected to supply it, at such time as shall be appointed for that purpose by the mayor; and he shall hold the office until the time when the person in whose stead he

---

(*o*) Sect. 47.
(*p*) Id.
(*q*) Sect. 36.
(*r*) Sect. 32.
(*s*) Sect. 43.
(*t*) Sect. 32.
(*u*) Sect. 52.
(*x*) Sect. 51.
(*y*) Sect. 50.
(*z*) Sect. 53.
(*a*) Sect. 25.
(*b*) Sect. 25.
(*c*) Ord. C. 11 Sep.
(*d*) Sect. 25.

was elected would regularly have gone out of office. (*e*) At the first election in December 1835, the aldermen are to be elected by the councillors; but on all future occasions, by the council. (*f*) They are to be elected either from the councillors of the borough, or from the persons qualified to be councillors; (*g*) and if from the councillors, then the vacancies thereby created shall be supplied by an election of councillors in their stead. (*h*) They must have the same qualification as is required for councillors; (*i*) and besides the declaration as to the acceptance of office, and of their possessing the requisite qualification in respect of property, in the same manner as is required from councillors, they must, if required, make a similar declaration with respect to their property, once in every three years. (*k*) If an alderman become bankrupt or insolvent, &c., or be absent for more than six months at any one time (except from illness), he shall cease to hold the office, and the same may thereupon be declared vacant. (*l*)

Every alderman, upon being elected, shall accept the office, and sign a declaration of such his acceptance thereof, and of his qualification, within five days after notice of his election, or pay a fine not exceeding 50*l*. (*m*); and if any person, elected alderman, shall act as such before he shall have made and subscribed such declaration, or shall not be qualified at the time he makes such declaration, or shall act as alderman after he ceases to be qualified, he shall forfeit a penalty of 50*l*. (*n*)

In boroughs divided into wards, one of the aldermen thus elected shall be annually appointed by the councillors of each ward to preside at their ward elections during the year; and before him and the two assessors for the ward such elections shall be holden. (*o*) Also, in case of the death, absence, or incapacity of the mayor, the council of the borough shall elect an alderman to execute all the powers and duties of his office in his stead. (*p*) The aldermen also form a constituent part of the council of the borough. (*q*)

Mayor.] The present mayors go out of office immediately upon the first election of councillors taking place under this act (*r*), namely, on the 26th December 1835. (*s*) And on the 1st January 1836, (*t*) and afterwards, annually, on the 9th November, the council shall elect a mayor out of the aldermen or councillors of the borough; and in case of a vacancy from death or otherwise during the year, the council shall, within

(*e*) Sect. 27.
(*f*) Sect. 25.
(*g*) Sect. 25.
(*h*) Sect. 27.
(*i*) See *s*. 28, and ante, *p*. 4.
(*k*) Sect. 50.
(*l*) Sect. 52.
(*m*) Sect. 51.
(*n*) Sect. 53.
(*o*) Sect. 43, and see sect. 48.
(*p*) Sect. 36.
(*q*) Sect. 25, 26.
(*r*) Sect. 38.
(*s*) Ord. C. 11 Sep.
(*t*) Ord. C. 11 Sep.

ten days, elect another to fill the office for the remainder of the year. (*u*) Or if the mayor, at any time when it shall be necessary to execute the powers or duties of his office with respect to elections, be dead, absent, or otherwise incapable of acting, the council may forthwith elect one of the aldermen to execute them in his stead. (*x*)

Mayors, before they act, must make and subscribe a declaration of their acceptance of the office, and of their qualification as to property; (*y*) and councillors, elected mayors, who shall refuse to accept the office, and shall not subscribe such declaration within five days after notice of their election, shall pay a fine to the corporation not exceeding 100*l.*, and the office shall be deemed void. (*z*) Also, if any person, elected mayor, shall act as such before he shall have made and subscribed such declaration, or shall not be qualified at the time he makes such declaration, or shall act as mayor after he ceases to be qualified, he shall forfeit a penalty of 50*l.* (*a*) If a mayor become bankrupt or insolvent, &c., or be absent from the borough for more than two months at a time (except from illness), he shall cease to hold the office, and the same may thereupon be declared vacant. (*b*)

The mayor is a constituent part of the council of the borough; (*c*) he is to have precedence in all places within the borough; (*d*) in all boroughs which are not counties of themselves, he shall be the returning officer at elections for members to serve in parliament for the borough; (*e*) and he shall be a justice of the peace during the year of his mayoralty, and the year following. (*f*) After the first year, he and two assessors shall, every year, between the 1st and 15th October, hold a court for the revising of the burgess lists (*g*). He shall also preside at the election of councillors, in boroughs which are not divided into wards; the first year by himself, (*h*) and in every subsequent year with the assessors. (*i*) And if he neglect or refuse to revise such burgess lists, or to conduct or declare such elections, he is liable to a penalty of 100*l.* (*k*)

The council shall order such salary or allowance to be paid to the mayor as they shall deem reasonable. (*l*)

The Council.] The council consists of the mayor, aldermen, and councillors (*m*); and these collectively form the great governing body of the corporation. The mayor and aldermen, however, as members of the council, do not seem to possess any greater power or authority than is possessed by the other in-

(*u*) Sect. 49.
(*y*) Sect. 50.
(*a*) Sect. 53.
(*c*) Sects. 25, 26.
(*e*) Id.
(*g*) Sect. 18; see *s.* 19, 21.
(*i*) Sect. 32.
(*l*) Sect. 58.
(*x*) Sect. 36, and see sect. 57.
(*z*) Sect. 51.
(*b*) Sect. 52.
(*d*) Sect. 57.
(*f*) Id.
(*h*) Sect. 36.
(*k*) Sect. 48.
(*m*) Sects. 25, 26.

dividuals composing the council; it is not essential that the mayor or aldermen should be present at the meetings of the council, to give validity to its acts or deliberations; all the members of the council seem to be of equal authority in this respect: the only exception is, that, at the meetings of the council, if the mayor be present, he shall preside; if the mayor be absent, the council shall then make choice of one of the aldermen present to preside; but if neither the mayor nor any of the aldermen be present, then those of the council present, namely, the councillors, may make choice of any member of their body present, to preside as chairman of the meeting. (*n*)

The mayor may call a meeting of the council, at any time he may think proper. (*o*) So, any five or more of the other members of the council may sign a requisition to the mayor to call a meeting, and if he refuse to do it, a meeting may then be called by the requisitionists. (*p*) Three days' notice must be given of the meeting, and a summons sent to each member of the council, specifying the business to be transacted. (*q*) There must, however, be four quarterly meetings in each year, one on the 9th November in every year, and the remaining three at such times as the council at that meeting may appoint; (*r*) but as the 9th November in this year, would be too early for such a meeting, the first meeting has been deferred until the 1st January, 1836. (*s*) No notice of the particular business to be transacted at these quarterly meetings shall be given, but the council on these occasions shall meet for the transaction of general business; but the first business to be transacted at the meeting on the 1st January 1836, and on the 9th November in that and every subsequent year, shall be the election of mayor. (*t*) Minutes of each meeting must be entered in a book, and signed by the mayor or other person presiding; which minutes shall be open to the inspection of the burgesses, on payment of a small fee. (*u*) At any meeting of the council, at which two-thirds at least of the members shall be present, they may make bye-laws for the good rule and government of the borough, and for the prevention and suppression of nuisances, and may appoint fines, not exceeding 5*l.*, for the infraction of such bye-laws; (*x*) in all other cases, if the meeting consist of one-third of the members of the whole council, it will be sufficient. (*y*) All questions are to be decided by a majority of the members present; and if the votes be equal, the mayor or other person presiding shall have a second or casting vote. (*z*) At any of those meetings, the council may appoint committees of their own members, either for general or special purposes. (*a*)

(*n*) See sect. 69.
(*o*) Sect. 69.
(*p*) Id.
(*q*) Id.
(*r*) Id.
(*s*) Ord. C. 11 Sep.
(*t*) Sect. 69.
(*u*) Id.
(*x*) Sect. 90.
(*y*) Sect. 69.
(*z*) Id.
(*a*) Sect. 70.

In every city or town which is a county of itself, the council shall appoint the sheriff, the first time on the 1st January 1836, and afterwards on the 1st November in every year. (*b*) Also, the council of every borough, in which a separate court of quarter sessions shall be holden, shall appoint a fit person (not being an alderman or councillor) to act as coroner for the borough, (*c*) and another, as clerk of the peace. (*d*) The council also appoint the town clerk, treasurer, and other officers, and fix their salaries. (*e*)

II. OFFICERS OF THE CORPORATIONS.

Assessors.] On the 1st March in every year, the burgesses shall elect two persons, to be called assessors, from the persons qualified to be councillors, not being members of the council or the town clerk or treasurer of the borough. (*f*) But in boroughs divided into wards, two assessors shall be elected for each ward. (*g*) In cases of vacancy during the year, others may be elected to serve until the March following. (*h*) The election is to be conducted in the same manner as the election of councillors. (*i*)

Two assessors sit with the mayor, in the courts appointed for revising the burgess lists. (*k*) The elections for councillors, auditors, and assessors, take place before the mayor and two assessors, in boroughs not divided into wards (*l*); and in boroughs divided into wards, before an alderman and the two assessors of each ward. (*m*) And if an assessor neglect or refuse to revise the lists, or to conduct or declare such elections, he is subject to the penalty of 100*l*. (*n*)

Auditors.] On the 1st March in every year, the burgesses shall elect two persons, to be called auditors, from the persons qualified to be councillors, not being members of the council or the town clerk or treasurer of the borough. (*o*) Or if a vacancy occur during the year, another may be elected to serve until the 1st March following. (*p*)

The duty of the auditors is, to audit the accounts of the treasurer of the borough. (*q*)

Town Clerk.] On the 1st January, 1836, (*r*) the council of each borough may appoint a town clerk, during pleasure, fix

---

(*b*) Sect. 61.
(*c*) Sect. 62.
(*d*) Sect. 103.
(*e*) Sect. 58.
(*f*) Sect. 37, and see *s.* 29.
(*g*) Sect. 43.
(*h*) Sect. 47.
(*i*) Sects. 37. 43.
(*k*) Sect. 18.
(*l*) Sect. 32.
(*m*) Sect. 43.
(*n*) Sect. 48.
(*o*) Sect. 37, and see *s.* 29.
(*p*) Sect. 47.
(*q*) See sect. 93.
(*r*) Ord. C. 30 Sep.

his salary, and take such security for the due execution of his office as they shall think proper; and afterwards, in case of a vacancy by death, resignation, or removal, &c., the council may appoint another in his stead. (*s*) He may be an attorney; but must not be one of the council, or the treasurer of the borough. (*t*) If the town clerks, in office at the time of the passing of this act, be not re-appointed, or if re-appointed but afterwards removed for other cause than misconduct, they shall be entitled to compensation, (*u*) to be secured to them by bond under the corporate seal. (*x*)

Besides the ordinary duties of town clerk, he shall have the charge and custody of the charters, deeds, muniments and records of the borough or relating to the property thereof, and shall be responsible for the same; (*y*) he shall render a true account to the council or to such person as may be appointed by them, of all matters committed to his charge, and of all monies received by him, &c.; (*z*) he shall make out and keep the freemen's roll, that is, a list of all those who now are, or may hereafter be admitted, freemen of the borough; (*a*) also, when the burgess' list has been made out by the overseers, it must be delivered to the town clerk, who must cause the same to be printed, and copies given to persons requiring them, and shall cause a copy to be fixed on or near the outer door of the town hall. (*b*)

If the town clerk be dead or incapable of acting, his duties, &c. may be performed by such person as the mayor may appoint in that behalf. (*c*)

Treasurer.] Every year, the council shall appoint a fit person (not being the town clerk or a member of the council) as treasurer of the borough, shall fix his salary or allowance, and take such security for the due execution of his office as they shall think proper. (*d*) Or if a vacancy occur during the year, the council may appoint another to the office. (*e*) The treasurer in office, however, at the time of passing of this act, shall continue to fill the office, until removed. (*f*)

The treasurer shall pay no money on account of the corporation, except on the order in writing of the council, signed by three or more of the members and countersigned by the town clerk, or upon certain other orders specified in the act. (*g*) He shall render an account of all monies received by him, and all other matters committed to his charge, at such time or times as the council may appoint; (*h*) and his accounts shall at all times

---

(*s*) Sect. 58.
(*t*) Sect. 58.
(*u*) Sect. 66.
(*x*) Sect. 67.
(*y*) Sect. 65.
(*z*) Sect. 60.
(*a*) Sect. 5.
(*b*) Sect. 15.
(*c*) Sect. 16.
(*d*) Sect. 58.
(*e*) Sect. 58.
(*f*) Sect. 65, and see ss. 66, 67.
(*g*) Sect. 59.
(*h*) Sect. 60.

be open to the inspection of the aldermen and councillors, shall be audited twice in the year by the auditors of the borough, and an abstract of them printed yearly for the use of the rate-payers. (*i*)

Sheriffs.] On the 1st January 1836 (*k*), and on the 1st November in that and every subsequent year, the council in the city of Oxford, town of Berwick upon Tweed, and all cities and towns which are counties of themselves, shall appoint a fit person to execute the office of sheriff. (*l*)

Coroner.] In every borough having separate quarter sessions, the council shall appoint a coroner, who shall have exclusive jurisdiction as such within the borough; he shall hold his office during good behaviour; and his fees (20*s.* for every investigation, and 9*d.* per mile travelling expenses) shall be paid by an order of the quarter sessions upon the treasurer of the borough. (*m*) In boroughs not having separate quarter sessions, the inquisitions shall be taken by the coroner for the county in which such borough is situate. (*n*)

Other Officers.] Every year, besides the treasurer, the council shall appoint such other officers as have been usually appointed in the borough, and as they may deem necessary, or they may discontinue the appointment of officers whom they think unnecessary; they may in like manner appoint, upon a vacancy during the year; may fix the salaries to be paid to the officers thus appointed; and take such security for the due execution of their respective offices as they shall think proper. (*o*) As to the persons in office at the time of the first election of councillors under this act, (bailiffs, treasurers, chamberlains, and every other ministerial or executive officer), the council may remove them; but until removed, they shall continue to exercise their offices, and be entitled to the same fees, salaries, &c. as hitherto. (*p*) And every person in any office of profit, whose office shall be abolished, or who shall be removed, &c. shall be entitled to compensation. (*q*)

III. BYE LAWS.

The council, at any meeting at which two-thirds at least of the whole number of the members shall be present, may make bye laws for the good rule and government of the borough, and for

(*i*) Sect. 93.
(*k*) Ord. C. 11 Sep.
(*l*) Sect. 61.
(*m*) Sect. 62, and see *s.* 63.
(*n*) Sect. 64.
(*o*) Sect. 58.
(*p*) Sect. 65.
(*q*) Sects. 66, 67.

the prevention and suppression of all such nuisances, as are not already punishable in a summary way by any act in force throughout such borough, and may appoint such fines, (not exceeding 5*l.*) as they may deem necessary for the prevention and suppression of the offences. (*r*) These bye laws, however, are not to be in force, until the expiration of forty days after a copy thereof shall have been transmitted to one of the secretaries of state, and another copy affixed to the outer door of the town hall. (*s*)

The fines imposed by such bye laws, are recoverable upon a summary conviction, in the same manner as for offences against the act. (*t*)

IV. JURISDICTION, &c.

Civil Jurisdiction.] In every borough, in which by charter or custom there is or ought to be a court of record for the trial of civil actions, the jurisdiction of such court shall extend to the metes and bounds of the borough as fixed by this act and by stat. 2 & 3 W. 4. c. 64. s. 35—38, *and sch.* O; and all such courts, (not at present having cognizance of the actions about to be mentioned) in which a barrister of five years' standing shall act as judge or assessor, shall hereafter have authority to try actions of assumpsit, covenant, and debt, (whether the debt be by specialty or simple contract), and all actions of trespass or trover for goods, provided the sum or damages sought to be recovered shall not exceed 20*l.*, and all actions of ejectment between landlord and tenant, where the annual rent of the premises sought to be recovered does not exceed 20*l.*, and upon which no fine is deserved or made payable; but not actions in which the title to land, or to tithe, toll, market, fair or franchise, shall come in question. (*u*)

In such of these courts as are not regulated by the provisions of any local Act, or in which at the time of the passing of this Act a Barrister of five years' standing shall not act as judge or assessor, the recorder shall be judge; or if there be no recorder, or the recorder be absent, then such officer as by charter or custom is judge of the court, shall continue to act as such; and the council, when necessary, shall appoint the officer (other than the recorder), before whom the court shall be holden, who shall hold his office during good behaviour. (*x*) The judge of every such court shall hold the same at such times and places, and with such rules of practice, as hitherto; but he may from time to time make other rules of practice for the court, which however shall not be in force until first confirmed by three or more of

(*r*) Sect. 90.
(*s*) Sect. 90.
(*t*) Sect. 91, and see *s.* 127, &c.
(*u*) Sect. 118.
(*x*) Sect. 118.

the judges of the superior courts of common law at Westminster. (*y*)

The council shall also appoint the registrar of such courts (except in boroughs where the town clerk acts as registrar), and all such other officers and servants as may be necessary; and these shall not, either by themselves or partners, act as attornies of the court. (*z*)

All attornies of the courts at Westminster may practise as attornies in these borough courts, not being officers of these courts. (*a*)

Existing suits are not to abate, by any change in the jurisdiction, &c. of these courts caused by the provisions of this Act (*b*).

Criminal Jurisdiction.] Until the 1st May 1836, the criminal jurisdiction in boroughs remains the same as it is at present; except that by the clause of the act (*c*), which alters the boundaries of some boroughs, it should seem that the jurisdiction of the magistrates is impliedly extended to the new boundaries, and confined to them. After the 1st May, however, all power to try treason or capital felonies, and all other criminal jurisdiction, heretofore given to any corporation, &c. shall cease (*d*); and afterwards, until his Majesty shall order a commission of Oyer and Terminer and gaol delivery to be executed within any county of a city or a town corporate, all indictments for offences within the same, shall be preferred and tried in the next adjoining county, according to the provisions of stat. 38 G. 3. c. 52. (*e*). But the council of every borough, which shall be desirous that a separate court of quarter sessions should be or continue to be holden in and for such borough, may signify the same by petition to the King in council, stating the grounds of the application, the state of the gaol, and the salary they are willing to pay to the recorder; and the king may thereupon grant that a separate court of quarter sessions shall be holden in and for such borough, and may appoint a Barrister of not less than five years' standing as recorder for that or any two or more such boroughs, who shall hold his office during good behaviour. (*f*) After which, the recorder shall hold a court of quarter sessions for the borough every quarter of a year, and oftener if he think fit or the king direct, of which the recorder shall be sole judge (*g*); but in his absence, the mayor may open the court at the time appointed, and may adjourn the same. (*h*)

In case no separate court of quarter sessions shall be granted to a borough, then, after the 1st May 1836, the justices of peace for the county, in which such borough is situate, shall

(*y*) Sect. 118.
(*z*) Sect. 119.
(*a*) Id.
(*b*) Sect. 120.
(*c*) Sect. 7. see ante p. 2.
(*d*) Sect. 107. and see s. 108.
(*e*) Sect. 109. and see s. 110.
(*f*) Sect. 103.
(*g*) Sect. 105.
(*h*) Sect. 106.

exercise jurisdiction within the borough, as fully as in other parts of the county. (i)

Recorder.] Upon the petition of the council of any borough to the king in council for a grant of a separate court of quarter sessions, as above mentioned, and stating the salary they are willing to give to a recorder, the king, if he grant the quarter sessions, will also appoint a Barrister of not less than five years' standing to be recorder of the borough; and he may appoint the same person recorder of two or more boroughs. (k) But in boroughs having courts of quarter sessions at the time of the passing of this act, where the recorder or deputy recorder is a barrister of five years' standing, such recorder or deputy shall be continued or appointed recorder of the borough, under the provisions of this act. (l)

The recorder shall hold his office during good behaviour; (m) he shall be sole judge of the court of quarter sessions; (n) he shall be sole judge of the court of record for the trial of civil actions, (if there be any such court within the borough,) where that court is not regulated by the provisions of any local Act, or where the judge thereof shall not be a Barrister of at least five years' standing; (o) he shall be, *ex officio*, a justice of peace for the borough, whether qualified for it by estate or not; (p) he shall have precedence immediately after the mayor; (q) in case of sickness or unavoidable absence, he may, with the consent of the council, appoint a deputy *pro hac vice* only; (r) he shall not be eligible to serve in Parliament for such borough, nor shall he be an alderman, councillor or police magistrate for such borough; (s) but he may be a Revising Barrister under the reform Act. (t) Before he acts as recorder, he must take the oaths, &c. (u)

Clerk of the Peace.] In every borough, to which a separate court of quarter-sessions shall be granted, the council thereof shall appoint a fit person to be clerk of the peace, during his good behaviour. (x) He shall not be clerk to the magistrates. (y) The clerk of the peace shall give public notice of the holding of the quarter sessions, shall summon the grand and petty jurors, and make lists of them. (z) His other duties are not defined by the Act; but it may be presumed that he will

---

(i) Sect. 111.
(k) Sect. 103.
(l) Id.
(m) Sect. 103.
(n) Sect. 105.
(o) Sect. 118.
(p) Sect. 103.
(q) Id.
(r) Id.
(s) Id.
(t) Id.
(u) Sect. 104.
(x) Sect. 103.
(y) Sect. 102.
(z) Sect. 121.

have to perform all those duties, in relation to the borough, that a clerk of the peace for a county performs with reference to his county.

Jurors.] In boroughs, having a separate quarter sessions, or a court of record for the trial of civil actions, all burgesses (not disqualified by age, &c. as mentioned in the Jury Act, 6 Geo. 4, c. 50,) shall be qualified to serve, either as grand jurors or petty jurors; the clerk of the peace shall summon the grand and petty jurors to serve at the sessions, and the registrar of the court of record shall summon the jurors for the trial of causes; and if any person, so summoned, make default, without reasonable excuse, the court may impose such fine on him as it shall think meet, and may order the same to be levied by distress. (*a*) All such burgesses, however, are exempt from serving on juries in the county wherein the borough is situate (*b*), and cannot be summoned more than once a year to serve as a juror at the borough sessions, or court of record. (*c*) Also, every member of the council of the borough, and all justices assigned to keep the peace therein, and also the treasurer and town-clerk, are exempt and disqualified from serving on juries within the borough, and exempt from serving on juries in the county. (*d*) All other exemptions by charter, prescription, &c. are abolished. (*e*)

Fees.] The council, within six months after their election, shall make out and settle a table of fees to be taken by the clerk of the peace, a table of fees to be taken by the clerk to the magistrates, and a table of fees to be taken by the registrar and officers of the court of record for the trial of civil actions,—all which tables shall be submitted to, and confirmed by one of the principal secretaries of state; and, until such confirmation, the usual fees paid by the clerk of the peace and clerks to magistrates in the county, and the fees theretofore, paid in the court of record, may be demanded. (*f*) Tables of these fees shall be hung up in the office of the town-clerk, in the room where the justices of peace transact their business, and in the court of quarter sessions, and court of record. (*g*)

Costs of Prosecutions.] In boroughs, having separate courts of quarter sessions, the costs of prosecutions shall be paid out of the borough fund, by an order of the court upon the treasurer (*h*); but, as to the costs of prosecuting, maintaining, punishing, conveying, and transporting offenders committed from such borough for trial to the assizes, the treasurer of the county shall keep an account thereof, and transmit a copy of it twice a year to the council of the borough, who shall order the treasurer of the

(*a*) Sect. 121. (*b*) Sect. 122.
(*c*) Sect. 121. (*d*) Sect. 122.
(*e*) Sect. 123. (*f*) Sect. 124.
(*g*) Sect. 125. (*h*) Sect. 113.

borough to pay the amount out of the borough fund. (*t*) In boroughs, not having separate quarter sessions, the costs of prosecutions for offences committed within them, continues still to be regulated by stat. 7 Geo. 4. c. 64.

Gaols.] The council of the several boroughs named in sch. A to the Gaol Act, 4 Geo. 4. c. 64, as amended by 5 Geo. 4. c. 85, shall have the same powers, with respect to their gaols, as are therein given to the respective courts of quarter sessions of such boroughs, and which powers shall be exercised at some quarterly meeting of such council. (*k*) Or the council of any borough may contract for the maintenance of its prisoners in the county gaol, (*l*) or in the prison of any other borough, (*m*) and if the latter borough have a separate court of quarter sessions, such prisoners may be tried and punished there. (*n*)

V. JUSTICES, POLICE, &c.

Justices of Peace.] It has been already mentioned that the mayors, aldermen, &c. of the several boroughs to which this Act extends, go out of office on the 26th December 1835; (*o*) but such of them as are justices of the peace for their respective boroughs, at the time of the passing of this Act, shall continue to act as such until the 1st May, 1836. (*p*) The mayor of every borough is also, *ex officio*, a justice of the peace for it, and shall act as such, not only during his year of office, but for the year next following also. (*q*) So the recorder, if appointed, is, *ex officio*, a justice of the peace for the borough. (*r*) Besides these, the king may assign to so many persons, as he may think proper, his commission to act as justices of the peace in and for each of the boroughs, cities, and towns named in sch. A. and for such of the boroughs in sch. B. to which he may be pleased, on petition of the council thereof, to grant a commission of the peace, (*s*) and the persons so assigned, shall reside within the borough, or within seven miles thereof; (*t*) but it is not necessary that they should have the usual qualification by estate, nor is it necessary that they should even be burgesses; (*u*) they shall not, however, sit as justices at the quarter sessions, &c., nor interfere in the making or levying of the county rate, or other rate in the nature of it (*x*). The justices, so assigned, shall take the oaths, &c. before they act. (*y*) And, lastly, in every borough, to which the king

(*i*) Sect. 114.
(*l*) Sect. 114.
(*n*) Id.
(*p*) Sect. 38.
(*r*) Sect. 103.
(*t*) Id.
(*x*) Id.
(*k*) Sect. 116.
(*m*) Sect. 115.
(*o*) Sect. 38. & Ord.C. 11 Sep.
(*q*) Sect. 57.
(*s*) Sect. 98.
(*u*) Sect. 101.
(*y*) Sect. 104.

shall not grant a separate court of quarter sessions, the justices of the county, within which such borough is situate, shall exercise in it the same jurisdiction as they may in any other part of the county. (*z*)

The justices of every borough, to which a separate commission of the peace shall be granted, shall appoint a fit person to act as clerk to such justices, and which person shall not be an alderman or councillor, or the clerk of the peace for the borough, or any partner of, or clerk, or person in the employ of such clerk of the peace. (*a*) This clerk to the justices shall not, by himself or his partner, be interested or employed in the prosecution of offenders committed for trial by the justices. (*b*)

All summons and warrants issued by the justices of a borough, in any matter within their jurisdiction, may be served or executed, at any place within the county in which such borough is situate, or at any place within seven miles of such borough, without being backed. (*c*)

Salaried Justices.] If the council of any borough shall think it requisite that a salaried police magistrate or magistrates should be appointed within such borough, they may make a bye-law, fixing the amount of salary he or they are to receive; and upon transmitting this to one of the principal secretaries of state, the King may appoint one or more barristers, (according to the number fixed in the bye-law), of not less than five years' standing, to be police magistrate or magistrates for the borough, with a fixed salary, to be paid out of the borough fund. (*d*) And upon any subsequent vacancy, no new appointment shall take place, until the council shall in like manner make application to one of the secretaries of state in that behalf. (*e*)

Police Office.] And in all boroughs, to which a separate commission of the peace shall be granted, the council shall provide and furnish one office or more, to be called the Police Office or offices, for the purpose of transacting the business of the justices of such borough; the necessary expenses of which shall be paid out of the borough fund. (*f*)

Watch Committee.] The council, immmediately after the first election, and from time to time afterwards as may be expedient, shall appoint a sufficient number of members of their own body, who, with the mayor, shall be called the Watch Committee; which committee, within three weeks after their formation, and so from time to time afterwards as occasion may require, shall appoint a sufficient number of fit men to act as constables for the said borough, to keep the peace by day and by night, to prevent robberies and other felonies, and apprehend offenders (*g*);

(*z*) Sect. 111.
(*a*) Sect. 102.
(*b*) Id.
(*c*) Sect. 101.
(*d*) Sect. 99.
(*e*) Id.
(*f*) Sect. 100.
(*g*) Sect. 76.

they may make regulations for them, and may dismiss them for negligence in the discharge of their duty, or being unfit for the same. (*h*) Upon constables being thus appointed by the watch committee, all the present provisions in local acts as to watchmen, constables, patrol, &c. within the borough, shall cease; and all the watch-houses, watch-boxes, arms, &c. shall be given up, for the use of the constables appointed under this Act. (*i*)

The watch committee, four times in every year, shall transmit to one of the secretaries of state a report of the number of constables or policemen in such borough, their arms, clothing, wages, station-houses, &c., and also of the regulations made for their guidance. (*k*)

Constables or Policemen.] A sufficient number of fit men shall be appointed by the watch committee, as already mentioned, and sworn in before some justice of the peace for the borough, to act as constables for preserving the peace by day and by night, preventing robberies and other felonies, and apprehending offenders against the peace; and such constables shall have all the powers, and be liable to the same duties, as any other constables, and shall act as such, not only within the borough, but also within the county in which such borough is situate, and in any place within seven miles of such borough; and within this extent, they shall obey the commands, not only of the borough justices, but of the justices of the county in which they shall be called upon to act (*l*). They may apprehend all idle or disorderly persons breaking the public peace, or whom they shall justly suspect of an intention to commit a felony. (*m*) The constable at the watch-house, at night, may take bail in cases of petty misdemeanors. (*n*) Constables guilty of neglect of duty or disobedience of orders, may, upon summary conviction, be fined or imprisoned. (*o*) Persons assaulting or resisting them in the execution of their duty, are punishable either upon summary conviction or by indictment. (*p*)

The watch committee shall make such regulations as they may deem expedient, for preventing abuse or neglect, and for rendering such constables efficient in the discharge of their duties. (*q*) And such committee, or any two justices having jurisdiction within the borough, may dismiss any constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and if dismissed, he shall not be re-appointed without the consent of two such justices. (*r*)

The treasurer of the borough shall pay the constables their

(*h*) Sect. 77.
(*i*) Sect. 84, and see *s.* 85.
(*k*) Sect. 86.
(*l*) Sect. 76.
(*m*) Sect. 78.
(*n*) Sect. 79.
(*o*) Sect. 80.
(*p*) Sect. 81.
(*q*) Sect. 77.
(*r*) Id.

wages, &c., and such rewards for extraordinary exertion, such compensation for wounds, &c., as the watch committee (with the approbation of the council,) shall direct. (*s*)

Special Constables.] In October, in every year, two or more justices of the peace, having jurisdiction within any borough, shall nominate and appoint so many of the inhabitants as they shall think fit, to act as special constables, whenever they shall be required to do so by the warrant of a justice of peace; they shall be paid 3*s*. 6*d*. per day, when on duty; and shall have the same powers and immunities, and be liable to the same duties and penalties, as other special constables under stat. 1 & 2 W. 4. c. 41. (*t*)

VI. TRUSTEES.

Trustees for Charities.] In all boroughs, where the corporate body, or any part thereof, were, at the time of the passing of this act, solely, or together with others, seised or possessed of property as trustees for any charitable use, the individuals forming the body so seised or possessed shall continue such trustees until the 1st August 1836, notwithstanding they may have before then ceased to hold office, &c.; and then the Lord Chancellor shall appoint trustees in their stead. (*u*)

Trustees for other purposes.] When the former body corporate of a borough, or any member thereof in his corporate capacity, were the sole trustees for the execution of any Act of parliament, or of any trust not relating to charities, the present body corporate of the borough shall be trustees for executing the same by their council. (*x*) But where they were such trustees jointly with others, in that case the council shall appoint a like number of its members to be trustees instead of the members of the former corporate body; (*y*) as to the time at which such appointment is to be made. (*z*)

The trustees appointed by act of parliament, for paving, lighting, cleansing, &c. any borough, who are not personally, or as trustees for others, interested therein, may, if they think fit, transfer their trusts to the body corporate of the borough, who shall thereafter execute such trusts by their council. (*a*)

(*s*) Sect. 82.
(*t*) Sect. 83.
(*u*) Sect. 71.
(*x*) Sect. 72.
(*y*) Sect. 73.
(*z*) See sect. 74.
(*a*) Sect. 75.

VII. PROPERTY, PENSIONS, COUNTY RATE, &c.

Property.] The rents, profits, interest, &c. of the corporation property, and all fines for offences against this Act, shall be paid to the treasurer, and carried to the account of the borough fund; which, after payment of debts, interest, &c., shall be applied to the payment of the salaries of the mayor, recorder, police magistrate, town clerk, treasurer, and other officers,—to the payment of the expenses of preparing and printing burgess' lists, ward lists, notices, and other matters attending elections,—to the payment of costs of prosecutions, the maintenance and punishment of offenders, maintaining gaols and corporate buildings, payment of constables, &c. (*b*) If there be a surplus, it shall be applied for the public benefit of the inhabitants and improvement of the borough; if the fund be insufficient, the deficiency shall be made up by a rate. (*c*) The treasurer's accounts shall at all times be open to the inspection of the aldermen and councillors, shall twice in every year be audited by the auditors of the borough, and an abstract of them yearly shall be printed, for the use of the rate-payers. (*d*)

The council of a borough shall not sell or mortgage the lands, &c. belonging to the corporate body, or lease them for a longer term than thirty-one years, and at a reasonable rent without fine, without the leave of the Lords of the Treasury, unless bound to do so by some contract, &c., made before the 5th June, 1835; (*e*) but of land for building, &c., and on which the lessee shall contract to erect buildings of the yearly value of the land, they may grant leases for seventy-five years. (*f*) And the council first appointed shall have power to call in question all sales, leases, &c., and distributions of property of which the corporate body were seised or possessed, either in their own right or as trustees, made after the 5th June, 1835, in the manner pointed out by the statute. (*g*) If, however, any such body corporate be seised or possessed as such, and not as charitable trustees, of any lands, &c., to which an advowson or right of presentation to a benefice is appurtenant, or of any advowson in gross, &c., such advowson or presentation shall be sold by direction of the ecclesiastical commissioners, the produce vested in the public funds, and the interest yearly carried to the account of the borough fund. (*h*)

Pensions, &c.] All pensions or allowances granted to retired officers, &c., on or before the 5th June 1835,—all stipends or allowances paid to the ministers of churches or chapels, masters of

---

(*b*) Sect. 92.
(*c*) Id.
(*d*) Sect. 93.
(*e*) Sect. 94, and see *s.* 95.
(*f*) Sect. 96.
(*g*) Sect. 97.
(*h*) Sect. 139.

schools, or governors of hospitals, during seven years next before the said 5th June—and all charitable allowances usually paid to the inmates of almshouses, by the corporate bodies named in schedules A. and B., shall be secured to such persons by bonds under the corporate seal. (*i*)

County Rates.] Boroughs, to which a separate court of quarter sessions shall be granted, shall not be assessed to the county rate. (*k*) But such boroughs shall pay their proportion of the county expenditure (not including the costs of prosecuting, maintaining and punishing offenders, and the expense of coroners' inquests), an account of which shall be sent twice a-year by the treasurer of the county to the council of the borough, who shall order the same to be paid by the treasurer of the borough, out of the borough fund. (*l*)

Boroughs to which a separate court of quarter sessions shall not be granted, shall still be liable to the county rate, as formerly.

(*i*) Sect. 68. (*k*) Sect. 112. (*l*) Sect. 117.

The reader's attention is directed to the 142d section, *post*, which gives the interpretation and meaning of the following terms, which occur in the act: —

Body Corporate.
Borough.
Burgess.
County.
Mayor.
Overseers of the Poor.
Parish.
Trustees.

STATUTE

5 & 6 WILLIAM IV. CAP. 76.

An Act to provide for the Regulation of Municipal Corporations in England and Wales.

[*9th September*, 1835.]

WHEREAS divers bodies corporate at sundry times have been constituted within the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed; and it is expedient that the charters by which the said bodies corporate are constituted should be altered in the manner herein-after mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent now in force relating to the several boroughs named in the schedules (A.) and (B.) to this act annexed, or to the inhabitants thereof,

Repeal of all acts, charters, and customs inconsistent with this Act.

or to the several bodies or reputed bodies corporate named in the said schedules, or any of them, as are inconsistent with or contrary to the provisions of this act, shall be and the same are hereby repealed and annulled. (1)

Persons who, as freemen, &c. are entitled to shares of the profits of certain corporate property, still to be entitled to the same, as hitherto.

II. And whereas in divers cities, towns, and boroughs the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen, and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, or of the widows or kindred of them, or certain of them, and have not been applied to public purposes; be it therefore enacted, that every person who now is or hereafter may be an inhabitant of any borough, and also every person who has been admitted, or who might here-

(1) This, of course, necessarily implies that such parts of statutes, charters, &c., relating to these corporations, as are not inconsistent with or contrary to the provisions of this act, are still to be deemed in force, and as applicable now to these corporations as they were before the passing of the act. So that all the corporate bodies named in sch. A. & B. are now regulated in common by the provisions of this act, as far as they go; and each of these corporate bodies is regulated in other respects by the charter or statute, &c. applicable to it, as far as such charter or statute is consistent with and not contrary to the provisions of this act.

Besides the corporations mentioned in sch. A. & B., it is provided by sect. 141, that, upon petition of the inhabitant householders of any other town or borough, in England or Wales, the king, by advice of his council, may grant them a charter of incorporation, and extend to them all the powers and provisions contained in this act.

after have been admitted (2) a freeman or burgess of any borough if this act had not been passed, or who now is or hereafter may be the wife or widow or son or daughter of any freeman or burgess, or who may have espoused or may hereafter espouse the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements, and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any body corporate may be seised or possessed in whole or in part for any charitable uses or trusts, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye law, or custom, in force at the time of passing this act, might or could have had, acquired, or enjoyed, in case this act had not been passed: Provided always, that the total amount to be

(2) For the purpose of ascertaining who are freemen, and entitled to the privileges here and in the 4th section mentioned, a list shall be made out of the present freemen in each borough, to be called the "Freemen's Roll," to which shall afterwards, from time to time, be added the names of those who may be entitled to their freedom by birth, servitude, and marriage, upon being admitted thereto by the mayor. (*s.* 5.) No person, however, shall hereafter be admitted a freeman by gift or purchase. (*s.* 3.)

divided amongst the persons whose rights are herein reserved in this behalf, shall not exceed the surplus which shall remain, after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of municipal officers, and all other lawful expences which, on the fifth day of June, were defrayed out of or chargeable upon the same: Provided also, that nothing herein-before contained shall be construed to apply to any claim, right, or title of any burgesses or freemen, or of any person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any borough or body corporate; and that after the passing of this act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any body corporate, except as herein-after (3) is excepted: Provided nevertheless, that every person who, on the fifth day of June in this present year, was an inhabitant, or was or was entitled to be admitted a freeman or burgess of any borough, or who on the said fifth day of June was the wife or widow, son or daughter of any freeman or burgess of any borough, or who on the said fifth day of June was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge

Exemption from toll continued to the present freemen, &c.; but then to cease.

(3) In the next proviso.

or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any borough or body corporate, as fully and for such time and in such sort as he or she, by any statute, charter, bye law, or custom in force on the said fifth day of June, might or would have had, acquired, and enjoyed the same if this act had not been passed, and no further or otherwise: Provided also, that where, by any statute, charter, bye law, or custom in force within any borough at the time of passing this act, any person whose rights in this behalf are herein reserved would have been liable, in case this act had not been passed, to pay any fine, fee, or sum of money to any body corporate, or to any member, officer, or servant of any body corporate, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid, until he or she shall have paid the full amount of such fine, fee, or sum of money to the treasurer of such borough, appointed under the provisions of this act, on account of the borough fund herein-after mentioned: Provided also, that nothing in this act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved, who shall not have first fulfilled every condition, which, if this act had not passed, would have been a condition precedent to his

Fees upon admission.

Conditions to be performed.

or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the provisions of this act, or to strengthen, confirm, or affect any claim, right, or title of any burgesses or freemen of any borough or body corporate, or of any person, to the benefit of any such rights as are hereinbefore reserved, but the same in every case may be brought in question, impeached, and set aside, in like manner as if this act had not been passed.

Freedom not to be acquired by gift or purchase.

III. Provided always, and be it enacted, that from and after the passing of this act no person shall be elected, made, or admitted a burgess or freeman of any borough by gift or purchase. (4)

2 W. 4. c. 45.

IV. And whereas the right of voting in the election of members to serve in parliament, was by an act passed in the second year of the reign of His present Majesty, intituled "An Act to amend the Representation of the People of England and Wales," preserved to all persons who then were or thereafter might become freemen or burgesses of any city or borough, subject to the conditions and provisions in that act contained; be it therefore enacted, that every person who if this act had not been passed would have enjoyed, as a burgess or freeman, or might hereafter have acquired, in respect of

What freemen to vote for members of Parliament.

(4) See sect. 2. and note (2).

birth or servitude, (5) as a burgess or freeman, the right of voting in the election of a member or members to serve in Parliament for any city or borough, shall be entitled to enjoy or acquire such right of voting as fully as if this act had not been passed; and the town clerk of every city or borough returning a member or members to Parliament, shall at all times hereafter do and perform all things appertaining to the due registration of the freemen or burgesses of such city or borough according to the provisions of the said act.

Freemen's roll to be made out; those hereafter admitted freemen, to be also enrolled.

V. And be it enacted, that the town clerk of every borough shall on or before the first day of December next make out a list, to be called "The Freemen's Roll," of all persons who at the time of the passing of this act shall have been admitted as burgesses or freemen of such borough; and that whenever any person shall hereafter become entitled to be admitted a burgess or freeman for the purposes aforesaid of such borough in respect of birth, servitude, or marriage, and shall claim to be admitted accordingly, the mayor of such borough shall examine into such claim; and upon such claim being established, every such person shall there-

(5) As the freemen's roll shall hereafter contain the names of those admitted freemen by birth, servitude, or marriage, and as those only who are admitted by birth or servitude are hereby entitled to vote for members of Parliament, the roll ought to show by what title the person registered claimed and was admitted to be a freeman, whether by birth, or servitude, or marriage.

upon be admitted and enrolled by the town clerk of such borough upon the freemen's roll; and the town clerk shall keep a true copy of such roll, to be perused by any person, without payment of any fee, at all reasonable times, and shall deliver a copy thereof to any person requiring the same, on payment of a reasonable price for such copy.

Corporations to be styled "Mayor, Aldermen, and Burgesses."

VI. And be it enacted, that after the first election of councillors under this act in any borough, the body or reputed body corporate named in the said schedules in connexion with such borough, shall take and bear the name of the Mayor, Aldermen, and Burgesses of such borough, and by that name shall have perpetual succession, and shall be capable in law, by the council herein-after mentioned of such borough, to do and suffer all acts which now lawfully they and their successors respectively may do and suffer by any name or title of incorporation; and the mayor of each of the said boroughs shall be capable in law to do and suffer all acts, which the chief officer of such borough may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the provisions of this act.

Boundaries of boroughs in sect. 1 of sch. A & B, to be those settled by 2 & 3 W. 4. c. 64.

VII. And be it enacted, that after the passing of this act the metes and bounds of the several boroughs named in the first section of the said schedules (A.) and (B.), for the purposes of this

act, shall be the same as the limits thereof respectively settled and described in an act passed in the second and third year of the reign of his present Majesty, intituled "An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament (6);" and the metes and bounds of the several boroughs named in the second section of the said schedules, for the purposes of this act, shall be and remain as the same are now taken to be, until such time as Parliament shall otherwise direct: Provided nevertheless, that notwithstanding any thing herein contained, no parish or place, or part of any parish or place, which is detached from the main part of such borough or county of a city or town corporate, shall, after the passing of this act, be included within any such borough or county; and subject to this provision, the metes and bounds of every such borough and county, shall include the whole of the liberties of such borough or county by land and by water, as the same now are or are taken to be.

2 & 3 W.4. c. 64. Sch. O.

Boundaries of other boroughs to remain, until altered by Parliament.

VIII. And be it enacted, that every place and precinct which shall be included within the metes and bounds of any borough as herein-

Every place within the bounds of a borough, to be part thereof; parts not

(6) In the boroughs here referred to, the jurisdiction of the court of record (if any) is extended to these new boundaries, by the express provisions of the statute (*sect.* 118); and the jurisdiction of the quarter sessions and magistrates, it should seem, by necessary implication. See *ante. p.* 1.

included, though formerly belonging to the borough, now to be part of the adjoining county.

before provided, and none other, shall be part of such borough, (7) and in those boroughs which are counties of themselves shall be part of such county and of none other; and in every case in which the metes and bounds of any borough or county, under the provisions of this act, shall not include any place or precinct, which before the passing of this act was part of such borough or county, such place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary:

Proviso for liquidation of debts, in such cases.

Provided nevertheless, that if any such place or precinct shall have been liable, before the passing of this act, to contribute to any rate made for the purpose of satisfying any lawful debt, to which the rate-payers of such borough or county were liable to contribute before the passing of this act, and in case any difference shall arise concerning the proportion of such debt as ought therefore to be paid and contributed in respect of such place or precinct, it shall be lawful for the senior justice of assize for the county of which such place or precinct shall thenceforward be taken to be part, on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the rate-payers of such place or precinct, to appoint, by

(7) The words "*for all the purposes of this Act*" were formerly in the bill, but were struck out in the Lords, and now form no part of the engrossment on the Roll. Some editions of the statute, however, still retain them, and omit some other words which are on the Roll.

writing under his hand, a barrister, not having any interest in the question, to arbitrate between the parties, and by his award under his hand and seal to assess the proportion, if any, of such debt as ought therefore to be paid and contributed in respect of such place or precinct; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct, as if this act had not passed, until such proportion shall have been fully paid and satisfied to the treasurer of the borough, and no longer: Provided nevertheless, that every county gaol, house of correction, or lunatic asylum, court of justice, or judge's lodging, which at the time of the passing of this act is taken to be for any purpose within any county, shall still, for all such purposes, be taken to be within such county, any thing herein contained to the contrary notwithstanding.

Proviso as to gaols, courts, &c.

IX. And be it enacted, that every male person of full age, who on the last day of August in any year shall have occupied any house, warehouse, counting-house, or shop within any borough, during that year and the whole of each of the two preceding years, and also during the time of such occupation shall have been an in-

Occupiers of houses, &c. rated for 2 years and 8 months to the poor, to be burgesses, if resident householders within 7 miles.

habitant householder (8) within the said borough, or within seven miles (9) of the said borough, shall, if duly enrolled in that year according to the provisions herein-after contained, be a burgess of such borough and member of the body corporate of the Mayor, Aldermen, and Burgesses of such borough (10): provided always, that no such person shall be so enrolled in any year, unless he shall have been rated, in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish (11) wherein such premises are situated, during the time of his occupation as aforesaid, and unless he shall have paid, on or before the last day of August as aforesaid, all such rates, including therein all borough rates, if any, directed to be paid under the provisions of this act, as shall have become payable by him in respect of the said premises, except such as shall become payable within six calendar months next before the said last day of August (12): provided

(8) These words, "inhabitant householder," are used here in opposition to the word "occupied," in the previous part of the section; so that if a man occupy a house, warehouse, counting-house, or shop, in a borough, for the purposes of trade, and reside elsewhere; then, to entitle him to be inrolled as a burgess, not only his place of residence must be within the borough, or within seven miles of it, but he must be a householder at the place where he resides.

(9) See the proviso at the end of this section.

(10) See sect. 13.

(11) As to precincts, or places for which there are no overseers, *see sect.* 16.

(12) A rate may be said to be payable as soon as it is com-

also, that the premises, in respect of the occupation of which any person shall have been so rated, need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes (13): Provided also, that no person being an alien, shall be so enrolled in any year, and that no person shall be so enrolled in any year who within twelve calendar months next before the said last day of August shall have received parochial relief or other alms, (14) or any pension or charitable allowance from any fund intrusted to the charitable trustees of such borough herein-after men-

Aliens, and persons who have received parochial relief within a year, not to be enrolled.

pleted; that is to say, in the case of a poor's-rate, as soon as it has been allowed and published; so that, although the party must be rated in and by every poor's-rate, during the previous two years and eight months, yet it is not necessary that he should have paid any such rate which has been published between the 1st March and the 31st August in the last year, to entitle him to be inrolled as a burgess. This clause, as far as it requires that the party should be rated *and* pay the rate, is analogous to stat. 3 W. & M. c. 11. s. 6, by which, formerly, a settlement was acquired by being rated and paying the public taxes of a parish; and the cases upon that statute, which will be found collected in Archbold's Poor Laws, *vol. I. p.* 85, *and vol. II. p.* 313—324, *pl.* 1101—1139, may, as far as they are applicable, be deemed authorities as to the construction of this clause.

Where the party claiming to be rated, became entitled to the house &c. he occupies by descent, marriage, devise, &c., the occupation and rating of the person from whom he derived it, may be reckoned in the time above mentioned. (*s.* 12.)

Persons wishing to be rated for premises they occupy in a borough, to entitle them to be inrolled as burgesses, may require the overseers to rate them in the manner pointed out by the 11th section.

(13) The meaning of this is not easily discoverable; it seems to refer to a case where the party has not occupied the same house, &c. during the whole of the two years and eight months, but has occupied two or more in succession.

(14) See the next section.

tioned: Provided that in every case provided in this act the distance of seven miles shall be computed by the nearest public road or way by land or water.

Medical assistance, &c. not to be a cause of disqualification.

X. And be it enacted, that no medical or surgical assistance given by the charitable trustees of any borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess as aforesaid; nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

Occupiers may claim to be rated.

XI. And be it enacted, that in every borough it shall be lawful for any person, occupying any house, warehouse, counting-house, or shop, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; (15) and upon

(15) Where the landlord, by stipulation between him and the tenant, is to pay the poor's-rate, it may be advisable for the tenant, before he thus claims to be rated, to obtain his landlord's consent to his being rated, or at least to his payment of the rate; if he do not, it may be very doubtful whether, by law, after he has paid it, he can stop the amount of it out of his rent, or otherwise recover it against his landlord. The proviso at the end of this section does not meet this objection: it extends only to cases where the landlord is bound by act of parliament to pay the rate, and, even in those cases, seems only intended to prevent the landlord's liability to the overseers from being discharged by the claim of his tenant, but does not render the landlord liable to refund the amount of any rate paid by the tenant.

such occupier so claiming, and actually paying or tendering the full amount of the last made rate then payable in respect of such premises, the overseers of the parish, in which such premises are situate, are hereby required to put the name of such occupier upon the rate for the time being; and in case such overseer shall neglect or refuse so to do, such occupier shall nevertheless, for the purposes of this act, be deemed to have been rated to the relief of the poor in respect of such premises, from the period at which the rate shall have been made, in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where, by virtue of any act of Parliament, the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but in case the tenant, who shall have been rated for such premises in consequence of any such claim as aforesaid, shall make default in the payment of the poor's rate payable in respect thereof, such landlord shall be and remain liable for the payment thereof, in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

XII. And be it enacted, that where any house, warehouse, counting-house, or shop in any

In case of title by descent, marriage, devise,

&c. how the occupation is to be reckoned.

borough, shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy and rating, in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, or shop shall have so come to him, as his own occupancy and rating, conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided. (16)

No new burgesses to be admitted who are not qualified under this act.

XIII. And be it enacted, that, after the passing of this act, no person shall be enrolled a burgess of any borough, for the purpose of enjoying the rights conferred for the first time by this act, in respect of any title, other than by occupancy and payment of rates within such borough, according to the meaning and provisions of this act. (17)

Exclusive rights of trading abolished.

XIV. And whereas in divers cities, towns, and boroughs a certain custom hath prevailed, and certain bye laws have been made, that no person, not being free of a city, town, or borough, or of certain guilds, mysteries, or trading com-

(16) See sect. 9. (17) *Id.*

panies within the same, or some or one of them, shall keep any shop or place for putting to show or sale any or certain wares or merchandize by way of retail or otherwise, or use any or certain trades, occupations, mysteries, or handicrafts for hire, gain, or sale within the same: be it enacted, that, notwithstanding any such custom or bye law, every person in any borough may keep any shop for the sale of all lawful wares and merchandizes, by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft, for hire, gain, sale, or otherwise, within any borough.

Overseers to make lists of all persons entitled to be burgesses in their respective parishes, and deliver them to the town clerk.

XV. And be it enacted, that on the fifth day of September (18) in every year the overseers of the poor of every parish wholly or in part within any borough, shall make out an alphabetical list, to be called "The Burgess List," according to the form number 1. in the schedule (D.) to this act annexed, of all persons who shall be entitled to be enrolled in the burgess roll of that year, according to the provisions of this act (19), in respect of property within such parish; and the overseers shall sign such burgess lists, and shall deliver the same to the town clerk of the borough on the said fifth day of September (20) in every year, and shall keep a true copy of such

(18) On the 7th November in the first year, 1835. *Ord. C.* 11 *Sept.*

(19) See sect. 9, 12.

(20) On the 7th November in the first year, 1835. *Ord. C.* 11 *Sept.*

lists, to be perused by any person, without payment of any fee, at all reasonable hours between the fifth and fifteenth days of September (21) in every year; and the town clerk shall forthwith cause copies to be printed of all overseers lists delivered to him, and shall deliver a copy of all such lists to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of all such lists to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the fifteenth day of September (22) in every year. (23)

As to boroughs in which there is no town clerk.

XVI. Provided always, and be it enacted, that in any borough in which there shall be no town clerk, or in which the town clerk shall be dead or incapable of acting, all matters by this act required to be done by and with regard to the town clerk, shall be done by and with regard to the person executing duties in such borough similar to those of town clerk; and if there be no such person, or if such person shall be dead or incapable of acting, then by and

(21) Between the 7th and 17th November in the first year, 1835. *Ord. C.* 11 *Sept.*

For the duties thus cast upon overseers, they are to be remunerated. *See sect.* 24.

(22) The week next preceding the 17th November in the first year, 1835. *Ord. C.* 11 *Sept.*

(23) For any refusal of the overseers or town-clerk to perform their respective duties in these respects, they are subject to a penalty of 50*l.* by sect. 48.

with regard to such fit person as the mayor of such borough shall appoint in that behalf: Provided always, that every precinct or place, whether extra-parochial or otherwise, which shall have no overseers, shall, for the purpose of making out such lists as aforesaid, be deemed within the parish adjoining thereto, such parish being wholly or in part situate within the same borough as such precinct or place; and if such precinct or place shall adjoin two or more parishes so situate as aforesaid, it shall be deemed to be within the least populous of such parishes, according to the last census for the time being; and the overseers of the poor of every such parish shall insert in the list for their parish, the names of all persons who would have been entitled to be inserted in the lists for such precinct or place, if such precinct or place had had overseers or been rated to the maintenance of the poor. (24)

As to precincts, &c. where there are no overseers.

XVII. And be it enacted, that every person, whose name shall have been omitted in any such burgess list, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of September (25) in every year, give notice thereof to the town clerk in writing, according to the form number 2. in the said

Persons omitted from the overseers' lists, to give notice.

(24) See sect. 9, *ante*.

(25) On or before the 17th November in the first year, 1835. *Ord. C.* 11 *Sept.*

Persons objecting to others on the lists, to give notice.

schedule (D.), or to the like effect; and every person, whose name shall have been inserted in any burgess list for any borough, may object to any other person as not being entitled to have his name retained in the burgess list for the same borough, and every person so objecting shall, on or before the fifteenth day of September (26) in every year, give to the town clerk of such borough, and also give to the person objected to, or leave at the premises for which he shall appear to be rated in the burgess list, notice thereof in writing according to the form number 3. in the said schedule (D.) or to the like effect; and every town clerk shall include the names of all persons so claiming to be inserted on the burgess list, in a list, according to the form number 8. in the said schedule (D.), and shall include the names of all persons so objected to as not entitled to be retained on the burgess list, in a list, according to the form number 5. in the said schedule (D.), and shall cause copies of such several lists to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within such borough during the eight days next preceding the first day of October in every year; (27) and the town clerk shall likewise keep a copy of the names of all persons so claiming as aforesaid, and also

Lists of claimants, and of persons objected to, to be published, &c.

(26) On or before the 17th November in the first year, 1835. *Ord. C.* 11 *Sept.*

(27) During the eight days next preceding the 1st December in the first year, 1835. *Ord. C.* 11 *Sept.*

a copy of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days, Sunday excepted, next preceding the first day of October (28) in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

Mayor and assessors to revise lists, and, upon due proof, to insert and expunge names.

XVIII. And be it enacted, that the mayor, and the two assessors herein-after mentioned to be chosen in every year by the burgesses of every borough, shall hold an open court within such borough, for the purpose of revising the said burgess lists, at some time between the first day of October inclusive and the fifteenth day of October inclusive in the year one thousand eight hundred and thirty-six, (29) and every succeeding year, having first given three clear days' notice of the holding of such court, to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within the borough; and the town clerk of every such borough shall, at the opening of the court, produce the said lists, and a copy of the lists of the persons claiming and of the persons objected to, so made out as aforesaid; and the

(28) 1st December in the first year, 1835. *Ord. C.* 11 *Sept.*

(29) For the year 1835, these lists shall be revised by the Revising Barristers. *See sect.* 20.

overseers, vestry clerks, and collectors of poor's rates of every parish wholly or in part within every such borough shall attend the court, and shall answer upon oath all such questions as the court may put to them or any of them touching any matter necessary for revising the burgess lists; and the mayor shall insert in such lists the name of every person, who shall be proved, to the satisfaction of the court, to be entitled to be inserted therein, according to the provisions of this act, and shall retain on the said lists (30) the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and where the name of any person inserted in any one of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof of the qualification (31) of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the court, the mayor shall expunge the name of

(30) "*Lists*" on the Roll; "*list*" in the printed editions of the statute.

(31) That is to say, of his occupying a house, warehouse, counting-house, or shop within the borough, being rated and paying rates for the same, and being an inhabitant householder either within the borough, or within seven miles of it, as is described by the 9th section, *ante*.

every such person from the said lists, and he shall also expunge from the said lists the name of every person who shall be proved to the court to be dead, and shall correct any mistake, or supply any omission, which shall be proved to the court to have been made in any of the said lists, in respect of the name or place of abode of any person who shall be included in any such list, or in respect of the local description of his property: Provided always, that no person's name shall be inserted by the mayor in any such list, or shall be expunged therefrom, except in the case of death, unless notice shall have been given, as is herein-before required, in each of the said cases.

Power to mayor, &c. of adjourning, of administering oaths, &c.

XIX. And be it enacted, that every mayor holding any court under this act for the revision of the said lists, shall have power to adjourn the same from time to time, so that no such adjourned court shall be held after the fifteenth day of October in any year, and shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor during that or any preceding year, in any parish wholly or in part within the borough, to produce the same and allow the same to be inspected at any court to be held for revision of the burgess lists, and shall have power to administer an oath to the town clerk and to the overseers, and to all persons claiming to be inserted in or making objection to

the omission or insertion of any name in any of the said lists, and to all persons objected to in any such lists, and to all persons claiming to have any mistake in any of such lists corrected, and to all witnesses who may be tendered or examined on either side; and the mayor and assessors shall, upon hearing in open court, determine upon the validity of such claims and objections, and the mayor shall, in open court, write his initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistakes shall have been corrected, and shall sign his name to every page of the several lists so settled. (32)

Mayor shall sign the lists in open court.

The judges to appoint barristers to revise burgess lists in the first year;

XX. And be it enacted, that the senior judge, or in case of his absence from the kingdom the next judge, in the commission of assize for the summer circuit in this year for every county, shall, before the last day of September in this year, appoint so many barristers as the said judge shall deem necessary, to revise the lists of burgesses of every borough in or adjoining to such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and town and county of the town of Newcastle-upon-Tyne, as next adjoining to the

(32) If the mayor or assessors refuse or neglect to revise the burgess list, they are subject to a penalty of 100*l.* by section 48.

county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said judge shall have power to appoint one or more barristers to revise the lists for the same borough, and the same barrister to revise the lists of more than one borough; and the barrister so appointed to any borough shall for that purpose, during this year, be in the place and stead of the mayor and assessors of such borough, and shall revise the lists of burgesses in this year in the manner herein-before enacted (33) concerning the mayor and assessors in every succeeding year; and if it shall be made to appear to the said judge that for any cause such lists cannot be revised within the period directed by this act, it shall be lawful for such judge and he is hereby required to appoint one or more barristers to act in the place of or in addition to those originally appointed; and every such barrister so subsequently appointed, shall have the same power as if originally appointed; and every barrister appointed to revise any lists under this act, shall be paid at the rate of five guineas for every day that he shall be so employed, over and above his travelling and other expences; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the lords

to be paid out of the consolidated fund,

(33) In sect. 18. The barristers thus appointed, shall hold their courts for the purpose of revising the burgess lists, at some time between the 1st and 15th December, 1835. *Ord. C.* 11 *Sept.*

commissioners of his Majesty's treasury for the time being, a statement of the number of days during which he shall have been so employed in each borough, and an account of the travelling and other expences incurred by him in respect of such employment; and the said lords commissioners shall make an order for the amount to be paid to such barrister out of the consolidated fund: Provided nevertheless, that as soon as a council shall be chosen in any borough under the provisions of this act, the said lords commissioners shall make an order on the council of such borough for the amount of daily salary herein-before enacted to be paid to such barrister during the time that he shall have been employed in revising the lists of such borough; and the council of such borough shall forthwith cause the same to be repaid to the said lords commissioners out of the borough fund of such borough; and the same, if not paid, shall be deemed to be a debt due to his Majesty, and recoverable as such.

and the amount repaid to the treasury by the council of the borough.

Affirmation may be substituted for oath.

XXI. And be it enacted, that every person authorized by law to make an affirmation instead of taking an oath, shall make such affirmation in every case, in which by this act an oath is required to be taken; and if any person taking any oath required by this act, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed

guilty of perjury, and shall be punished accordingly.

The revised burgess lists to be kept by the town clerk, and copied into books,

XXII. And be it enacted, that the burgess lists so revised and signed as last aforesaid, shall be delivered by the mayor to the town clerk of such borough, who shall keep the same, and shall cause the said burgess lists to be fairly and truly copied into one general alphabetical list, in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the twenty-second day of October (34) in every year, and shall deliver such books, together with the lists, at the expiration of his office, to the person succeeding him in such office; and every such book, in which the said burgess lists shall have been copied, shall be the burgess roll of the burgesses of such borough entitled to vote, after the passing of this act, in the choice of the councillors (35) and auditors of such borough, as herein-after mentioned, (36) at any election which may take place in such borough between the first day of November inclusive in the year wherein such burgess roll shall

which shall be the burgess roll of burgesses entitled to vote.

(34) The 22d December in the first year, 1835. *Ord. C. 11 Sept.*

(35) The word "*assessors*" is here added, in the printed copies of the statute; but it is not on the Roll.

(36) In sect. 30—37.

have been made, and the first day of November in the succeeding year; provided that no stamp duty shall be payable in respect of the admission, registry or enrolment of any burgess, according to the provisions of this act.

No stamp duty on enrolment.

Copies of the burgess roll to be printed for sale.

XXIII. And be it enacted, that the town clerk of every borough shall cause to be written or printed copies of the burgess roll in every year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the overseers' lists, and of the lists of claims and objections as aforesaid, shall be paid over to the treasurer of such borough, and shall be applied by him in aid of the borough fund herein-after mentioned. (37)

Expences of overseers, how to be defrayed.

XXIV. And be it enacted, that the said council of every borough shall take an account of the reasonable expences incurred by the overseers of the poor, in carrying into effect the several provisions of this act, so far as relates to the said lists, and shall order the treasurer of the said borough to pay the same out of the borough fund of the said borough.

Mayor, aldermen, and councillors to be chosen in every borough, who together shall constitute the council of the borough.

XXV. And be it enacted, that in every borough shall be elected at the time and in the manner herein-after mentioned, one fit person

(37) See sect. 92.

who shall be and be called "the Mayor" of such borough; and a certain number of fit persons, who shall be and be called "Aldermen" of such borough; and a certain number of other fit persons, who shall be and be called "the Councillors" of such borough; and such mayor, aldermen, and councillors for the time being shall be and be called "the Council" of such borough; and the number of persons so to be elected councillors of such borough, shall be the number of persons in that behalf mentioned in conjunction with the name of such borough in the schedules (A.) and (B.) to this act annexed; (38) and the number of persons so to be elected aldermen, shall be one third of the number of persons so to be elected councillors; and on the ninth day of November (39) in this present year the councillors first to be elected under the provisions of this act, and on the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, the council for the time being of every borough, shall elect from the councillors, or from the persons qualified to be councillors, (40) the aldermen of such borough, or so many as shall be needed to supply the places of those

(38) In boroughs divided into wards, a certain number of councillors shall be elected for each ward; and which number shall be fixed and determined by the Revising Barrister. *Sect.* 40, 41.

(39) On the 31st December in the first year, 1835. *Ord. C.* 11 *Sept.*

(40) See sect. 28.

who shall then go out of office according to the provisions herein-after contained; (41) and that upon the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, one half of the number appointed as aforesaid to be the whole number of the aldermen of every borough shall go out of office; and the councillors, immediately after the first election of aldermen, shall appoint who shall be the aldermen who shall go out of office in the year one thousand eight hundred and thirty-eight, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election: Provided always, that any aldermen so going out of office may be forthwith re-elected, if then qualified (42) as herein provided; provided also, that the aldermen so going out of office shall not be entitled to vote in the election of a new alderman.

Mayor and aldermen to be members of the council during office.

XXVI. And be it enacted, that the mayor and aldermen shall, during their respective offices, continue to be members of the council of the borough, notwithstanding any thing herein-after (43) contained as to councillors going out of office at the end of three years.

(41) As to elections upon occasional vacancies, *see sect.* 27.
(42) See sect. 28. 50.
(43) In sect. 31.

Future vacancies in the office of aldermen, how to be filled up.

XXVII. And be it enacted, that whenever any extraordinary vacancy shall take place in the office of alderman of any borough, the council of such borough shall, within ten days after such vacancy shall occur, on a day to be fixed by the mayor for such purpose, elect some other fit person to fill such vacancy, either from the councillors, or from the persons qualified to be councillors; and in case any councillor shall be elected to fill the office of alderman, then the vacancy which will thereby be occasioned in the council, shall be filled up at the time and in the manner herein-after directed; and every person so elected an alderman to fill an extraordinary vacancy, shall hold such office until the time when the person, in the room of whom he was chosen, would regularly have gone out of office, and he shall then go out of office, but may be re-elected if then qualified as herein (44) provided.

Qualification of aldermen & councillors.

XXVIII. And be it enacted, that no person being in holy orders, or being the regular minister of any dissenting congregation, shall be qualified to be elected or to be a councillor of any such borough, or an alderman of any such borough, nor shall any person be qualified to be elected or to be a councillor or an alderman of any such borough, who shall not be entitled to

(44) See the next section, and sect. 50.

be on the burgess list of such borough; (45) nor unless he shall be seised or possessed of real or personal estate or both to the following amount, that is to say, in all boroughs directed by this act to be divided into four or more wards to the amount of one thousand pounds, or be rated to the relief of the poor of such borough upon the annual value of not less than thirty pounds, and in all boroughs directed to be divided into less than four wards, or which shall not be divided into wards, to the amount of five hundred pounds, or be rated to the relief of the poor in such borough upon the annual value of not less than fifteen pounds; or during such time as he shall hold any office or place of profit, other than that of mayor, in the gift or disposal of the council of such borough; or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of such council: Provided that no person shall be disqualified from being a councillor or alderman of any borough as aforesaid, by reason of his being a proprietor or shareholder of any company, which shall contract with the council of such borough for lighting or supplying with water or insuring against fire any part of such borough.

(45) So that it seems not to be necessary that a person should be actually on the burgess roll, to qualify him to be elected councillor or alderman; if it appears that he is entitled to be on the list, it will be sufficient.

Who shall vote in the election for councillors.

XXIX. And be it enacted, that every burgess of any borough who shall be enrolled on the burgess roll for the time being of such borough, shall be entitled to vote in the election of councillors, and of the auditors and assessors herein-after (46) mentioned, for such borough; and no person who shall not be enrolled in such burgess roll for the time being, shall have any voice or be entitled to vote in any such election.(47)

Councillors, when to be elected.

XXX. And be it enacted, that upon the first day of November (48) in every year, the burgesses so enrolled in every borough shall openly assemble, and elect from the persons qualified to be councillors the councillors of such borough, or such part of them as shall be needed to supply the places of those who shall then go out of office:(49)Provided nevertheless, that whenever any day by this act appointed for any purpose shall in any year happen on a Sunday, in every such case the business so appointed to be done shall take place on the Monday following.

Proviso as to Sunday.

(46) In sect. 37.

(47) In boroughs divided into wards, the burgesses of each ward shall elect the councillors for that particular ward. *See sect.* 43.

(48) On the 26th December in the first year, 1835. *Ord. C.* 11 *Sept.*

(49) See the next section. As to the election of councillors in boroughs which are divided into wards, *see sect.* 43; and as to the number of councillors to be elected for each ward, *see sect.* 40, 41. And as to the election of a councillor upon an occasional vacancy, *see sect.* 47.

One third of the councillors to go out of office annually.

XXXI. And be it enacted, that upon the first day of November one thousand eight hundred and thirty-six, and in every succeeding year, one third part of the number appointed as aforesaid to be the whole number of the councillors of every borough, shall go out of office; and in the said year one thousand eight hundred and thirty-six, those who shall go out of office shall be the councillors who were elected under the provisions of this Act by the smallest numbers of votes in this present year; and in the next year, one thousand eight hundred and thirty-seven, those who shall so go out of office shall be the councillors who were elected under the provisions of this act by the next smallest numbers of votes in this present year, the majority of the whole council always determining, when the votes for any such persons shall have been equal, who shall be the persons so to go out of office; and thereafter those who shall so go out of office, shall always be the councillors who have been for the longest time in office without re-election: Provided always, that any councillor so going out of office shall be capable of being forthwith re-elected, if then qualified, as herein (50) provided.

Elections, before whom to be holden;

XXXII. And be it enacted, that every election of councillors within any borough, according to

(50) In sect. 28.

the provisions of this Act, shall be held before the mayor and assessors for the time being of such borough, except as herein is excepted; (51) and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every burgess entitled to vote in the election of councillors, may vote for any number of persons not exceeding the number of councillors then to be chosen, by delivering to the mayor and assessors or other presiding officer as herein-after mentioned a voting paper, containing the christian names and surnames of the persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the burgess voting, and with the name of the street, lane, or other place in which the property for which he appears to be rated on the burgess roll is situated. (52)

when; how.

XXXIII. And be it enacted, that at every election in any borough, the mayor, if it shall

Polling booths to be provided, if necessary.

(51) That is to say, in sect. 43, which provides for the election of councillors in boroughs which are divided into wards; in which case, the election for each ward is holden before an alderman, and the two assessors of the ward. Also, by sect. 36, if the mayor be dead or absent, &c., the council may elect an alderman to act in his stead; and, lastly, by sect. 36, also, at the first election for councillors, the mayor alone shall preside, without assessors.

(52) If the mayor or assessors neglect, or refuse to conduct, or declare the election, they incur a penalty of 100*l.* *sect.* 48.

appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, for different parts of such borough, which may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the mayor shall seem most convenient; and the mayor shall appoint a clerk to take the poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house or shop occupied by him as described in the burgess roll may be; but in case no booth shall happen to be provided for any particular part as aforesaid, the votes of the persons voting in respect of property situate in any part so omitted, may be taken at any of the said booths; and public notice of the situation, division, and allotments of the different booths shall be given, two days before the commencement of the poll, by the mayor; and in case the booths shall be situated in different places, the mayor may appoint a deputy to preside at each place: Provided also, that no election shall be holden under this act in any borough, in any church, chapel, or other place of public worship.

XXXIV. And be it enacted, that no inquiry shall be permitted at any election as to the right of any person to vote as a burgess in any borough, except only as follows; (that is to say.) that the mayor or other presiding officer shall, if required by any two burgesses entitled to vote in the same borough, put to any voter, at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:

No inquiry of the voter, except as to his identity, and whether he has voted before at the same election.

1. Are you the person whose name is signed as A. B. to the voting paper now delivered in by you?
2. Are you the person whose name appears as A. B. on the burgess roll now in force for this borough, being registered therein as rated for property described to be situated in ——? [*Here specify the street, &c., as described in the burgess roll.*]
3. Have you already voted at the present election?

And no person required to answer any of the said questions, shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be deemed guilty of a misdemeanor, and may be indicted (53) and punished accordingly.

(53) This indictment can readily be formed from a form, in nearly a similar case under the Reform Act, to be found in the last edition (the third) of Archbold's Peel's Acts, vol. 2. p. 476.

Result of election, how to be declared.

XXXV. And be it enacted, that the mayor and assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are elected; and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the mayor and assessors or any two of them, shall name from amongst those persons, for whom the number of votes shall be equal, so many as shall be necessary to complete the requisite number of persons to be chosen; and the mayor shall cause the voting papers to be kept in the office of the town clerk during six calendar months at the least after every such election; and the town clerk shall permit any burgess to inspect the voting papers of any year, on payment of one shilling for every search; and the mayor shall publish a list of the names of the persons so elected not later than two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following.(54)

An alderman to be chosen to preside at election, in

XXXVI. And be it enacted, that if the mayor of any borough shall, at the time when it shall

(54) See sect. 48.

be necessary to execute the powers and duties herein provided with respect to elections, be dead, absent or otherwise incapable of acting, the council of such borough shall forthwith elect one of the aldermen to execute all such powers and duties in the place of the mayor: Provided that in the first election of councillors and of auditors and assessors, as herein-after provided, the mayor alone shall act with all the powers and duties herein-before enacted concerning the mayor and assessors jointly in such elections.(55)

Case of the death or absence, &c. of the mayor.

XXXVII. And be it enacted, that on the first day of March in the year one thousand eight hundred and thirty-six, and in every succeeding year, the burgesses of every borough shall elect from the persons qualified to be councillors, by a majority of votes, two burgesses, who shall be and be called auditors of such borough, and two burgesses, who shall be and be called assessors of such borough;(56) and every such auditor and assessor shall continue in office until the first day of March in the year following his election; and the election of such auditors and assessors respectively shall be in form and manner herein-before provided for the election of councillors:(57) Provided nevertheless, that in every such elec-

Election of auditors and assessors.

(55) See sect. 32. 43.

(56) In boroughs divided into wards, two assessors shall be elected for each ward.—*See sect.* 43. As to the election of auditors, or assessors upon occasional vacancies, *see sect.* 47.

(57) See sect. 30—36.

tion of auditors or assessors, no burgess shall vote for more than one person to be an auditor or assessor: Provided also, that no burgess shall be eligible to be or be elected such auditor or assessor as aforesaid, who shall be of the council or the town clerk or treasurer of such borough.(58)

When the present mayors, aldermen, and common councilmen shall go out of office;

XXXVIII. And be it enacted, that after the declaration of the first election of the councillors(59) under the provisions of this act in any borough, the mayor, aldermen, and common councilmen, and all other members of the common council or governing body of the body corporate named in conjunction with such borough in the said schedules (A.) and (B.), by whatever name or style they may be known or called, then in office, shall go out of office, and their whole powers and duties shall cease: Provided nevertheless, that any of the persons so going out of office, shall be eligible to be elected and appointed under the provisions of this act: Provided also, that such persons as are justices of the peace in any borough, at the time of passing this act, shall continue to have and exercise all the powers, which, at the time of passing this Act, they have as justices of the peace, until the first day

such of them as are justices shall act as such until 1st May.

(58) As to the duties of the auditors, *see sect. 93, post.*

(59) The first election of councillors took place on the 26th December, 1835, from which time until the 31st of the same month there could be no aldermen, and until the 1st January there can be no mayor. *See Ord. C.* 11 *Sep.* and *sect.* 25. 30. 49.

of May in the year one thousand eight hundred and thirty-six, and no longer: Provided also, that in every borough in which, by statute, charter, bye law, or custom, any election is appointed to be holden between the day of the passing of this act and the first day of May next, both inclusive, no such election shall be holden, but every person holding office in any borough on the day of the passing of this act, shall continue to hold such office, and to have all the powers, and be subject to all the duties, and be entitled to the same salary and fees of such office, as he would have had and been if elected to such office between the day of the passing of this act and the said first day of May, until the time provided by this act for him to go out of office; any statute, charter, bye law, or custom notwithstanding. (60)

Where boroughs are to be divided into wards, the bounds of the wards to be determined by the Revising Barristers.

XXXIX. And whereas it is expedient that certain boroughs of large population should be divided into wards, before any election of councillors for such boroughs should take place; be it therefore enacted, that every borough in the said schedule (A.) shall be divided into the number of wards mentioned in such schedule in conjunction with the name of such borough; (61) and

(60) This latter proviso of course does not extend to the mayor, aldermen, or common councilmen, who must at all events go out of office at the time above-mentioned, and remain so, until elected under the provisions of this act.

(61) This is somewhat qualified by the 41st section, *post.*

that it shall be lawful for the barrister or barristers appointed in pursuance of the provisions herein-before contained(62), to revise the burgess and councillors' lists of any borough in the present year, and he or they is and are hereby required, within the space of six weeks (63) next after the passing of this act, to determine and set out the extent, limits, and boundary lines of such wards, and what portions of such borough shall be included therein respectively; and the copy of the particulars of such division shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, if his Majesty by advice of his privy council shall approve such determination, shall be published in the London Gazette, and another copy of such particulars shall be delivered to the town clerk of such borough, to be by him safely kept among the public documents of such borough; and every such borough shall, after such publication as aforesaid, be deemed to be divided into such wards as shall be so determined and set out as aforesaid, and such division shall continue and be in force until the same shall be altered by authority of Parliament: Provided always, that if his Majesty, by advice of his privy council, shall not approve such determination, such publication as aforesaid shall nevertheless be made, and such division be in force for the purpose of any election under

(62) In sect. 20.
(63) Altered to sixty days, by *Ord. C.* 30 *Sep.*

the provisions of this act, and until such time as his Majesty shall by advice of his privy council upon further information and report from such barristers, definitively approve the division of such borough into wards in manner herein-before mentioned.

Number of councillors for each ward to be assigned by the Barristers, according to certain rules.

XL. And be it enacted, that the said barrister or barristers shall, after the division of the borough into such number of wards as is directed by this act, apportion among the several wards of such borough the number of councillors mentioned in conjunction with the name of such borough in the said schedule (A.); and in assigning the number of councillors to each ward, the said barrister or barristers shall, as far as in his or their judgment he or they may deem it to be practicable, have regard as well to the number of persons rated to the relief of the poor in such ward, as to the aggregate amount of the sums at which all the said persons shall be so rated: Provided always, that the number of councillors assigned to each ward shall be a number divisible by three; and a copy of the particulars of the number of councillors so assigned to the several wards of the borough shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, subject as aforesaid to the approval of his Majesty by the advice of his privy council, shall be published in the London Gazette, and another copy of such

particulars shall be delivered to the town clerk of the borough, to be by him safely kept among the public documents of such borough; and the number of councillors so assigned to each ward of such borough shall, after such publication as aforesaid, be the number to be elected in such ward, and shall so continue until the same shall be altered by authority of Parliament: Provided always, that if his Majesty, by the advice of his privy council, shall not approve the number of councillors so assigned to each ward, such publication shall nevertheless be made, and the number of councillors so assigned to each ward of such borough by such barrister shall be the number to be elected in such ward, at any election of councillors under this act, until such time as his Majesty shall by advice of his privy council, upon further information and report from such barrister, definitively approve such assignment in manner herein-before mentioned.

In what cases the number of wards may vary from the number in sch. A.

XLI. And whereas it may be convenient in divers boroughs to adhere, in the division of the same into wards, to the ancient division thereof into parishes, or into districts under any local act, or to adapt such division to local circumstances, and such division so made might render difficult such apportionment of councillors as is herein-before directed: be it therefore enacted, that in every such case the said barrister or barristers shall be empowered, at his or their dis-

cretion, subject as aforesaid to the approval of his Majesty by the advice of his privy council, to divide any borough in conjunction with the name of which, in the said schedule (A.), shall be mentioned any number of wards greater than two, into any number of wards more or less by one than the number of wards mentioned in conjunction with the name of such borough in the said schedule.

The Barristers may examine rate books,

XLII. And be it enacted, that the said barrister or barristers shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor, in any parish wholly or in part within any borough to be divided into wards, to produce such book before and allow the same to be inspected by the said barrister or barristers; and the said barrister or barristers shall have power to administer an oath to the overseers and to all other persons, who are hereby required to answer upon oath all such questions as the said barrister or barristers may put to them or any of them, touching any matter which the said barrister or barristers may deem necessary for enabling them to execute the duties by this act imposed upon them.

and administer oaths, &c.

Councillors and assessors to be elected in wards by the burgesses of such wards.

XLIII. And be it enacted, that in every case in which there shall be a division into wards of any borough, the burgesses of every such ward,

and none others, (64) shall, on the day fixed for the first election of councillors, separately elect from the persons qualified to be councillors the whole number of councillors assigned to such ward respectively, and on the first day of November in any subsequent year, shall separately elect from the persons qualified to be councillors one third part of the whole number of councillors assigned to such ward; and on the first day of March next after the first election of councillors in such ward, and in every subsequent year, shall separately elect from the persons qualified to be councillors two assessors for such ward; and every such ward election first after such division into wards of any such borough, shall be held before the mayor, or the person whom the mayor for the time being shall appoint in that behalf; and in every succeeding year, shall be held before the alderman whom the councillors chosen in such ward shall yearly appoint in that behalf, and before the two assessors of such ward; and the assessors who shall hold the court for revising the burgess lists with the mayor, shall be the assesors of the mayor's ward, (65) and the votings and other proceedings in all other respects at such ward elections, shall be

(64) See sect. 44, 45.

(65) There seems to be some confusion here. It does not appear that in the second, or subsequent years, the mayor is to preside at any ward elections, as those are to be holden before aldermen, to be appointed for that purpose by the councillors of each ward respectively. *Vide supra.*

conducted in the same manner as at elections of councillors or assessors respectively by the burgesses of the whole borough, (66) and the alderman and assessors of each ward, shall have the same powers in regard to elections in their ward, as the mayor and assessors for the whole borough if not divided into wards; and every person so elected a councillor or assessor in such ward, shall hold his office for the same time that he would have held it, if he had been elected by the burgesses of the whole borough, and if the number elected in such ward had been the whole number for the borough.

Burgesses to vote in the ward inwhich their property is situated.

XLIV. And be it enacted, that every burgess of any borough shall be entitled to vote in the election of the councillors and assessors to be chosen within that ward, in which the property of such burgess, for which he appears to be rated on the burgess roll for the time being of such borough, shall appear to be situated, and not otherwise; and if any burgess shall be rated in respect of distinct premises in two or more wards, then he shall be entitled to be enrolled and to vote in such one of the said wards as he shall select, but not in more than one.

Lists of the burgesses in each ward

XLV. And be it enacted, that for the purpose of better ascertaining who are the burgesses

(66) As to the election of councillors, *see sect.* 30—36; and as to the election of assessors, *see sect.* 33.

("ward lists") to be made out yearly.

of any such ward, the burgess roll of every borough so divided into wards shall thenceforward be made out, by or under the direction of the town clerk, in alphabetical lists of the burgesses in each ward, to be called "Ward Lists."

Manner of proceeding, if any person is elected a councillor or assessor in more than one ward.

XLVI. And be it enacted, that if, at any election of councillors or assessors for any borough, any person shall be elected a councillor or assessor in more than one of the wards of such borough, he shall within three days after notice thereof choose, or in his default the mayor shall declare, for which one of the said wards such councillor or assessor shall serve; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the mayor shall so declare.

Occasional vacancies of councillor, auditor, or assessor, how and when to be filled up.

XLVII. And be it enacted, that if any extraordinary vacancy shall be occasioned in the office of councillor, auditor, or assessor for any borough, the burgesses entitled to vote shall, (67) on a day to be fixed by the mayor of such borough, or in the case of a councillor or assessor, where the borough shall have been divided into wards, by the alderman of the ward in which the vacancy has happened, (such day not to be later than ten days after such vacancy,) elect from the persons qualified to be councillors

(67) See the proviso at the end of this section.

another burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted, in the same manner and subject to the same provisions as are herein-before (68) enacted with respect to the election of councillors as aforesaid; and every person so elected, shall hold such office until the time at which the person, in room of whom he was chosen, would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election, if then qualified as herein provided: Provided always, that after the full number to be regularly elected of the councillors in any year, shall have declared their acceptance of office, no new election of councillors shall be made by reason of such extraordinary vacancy, unless the number of councillors remaining after such vacancy shall not exceed two thirds of the whole number of the council of such borough.

Penalties on mayor, alderman, assessor, overseers, &c. neglecting to comply with provisions of this act.

XLVIII. And be it enacted, that if any mayor, alderman, or assessor of any borough who shall be in office at the time herein appointed for the revision by them of the burgess list under this act, or for any election of councillors, assessors, or auditors which he is required to conduct or declare, shall neglect or refuse to revise such burgess list, or to conduct or declare such elec-

(68) In sect. 30—36.

tion as aforesaid, every such mayor, alderman, and assessor shall for every such offence forfeit and pay the sum of one hundred pounds; and if any overseer of any parish wholly or in part within any borough, shall neglect or refuse to make out, sign, and deliver such list as aforesaid, or if the town clerk of any borough shall neglect or refuse to receive, print, and publish such lists as aforesaid, or if any such overseer or town clerk shall refuse to allow any such list to be perused by any person having right thereunto, every such overseer and town clerk respectively for every such offence shall forfeit and pay the sum of fifty pounds; and the said penalties hereby in such case imposed shall be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record; and the money so to be recovered shall, after payment of the costs and expences attending the recovery thereof, be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this act, to be by him applied in aid of the borough fund herein-after mentioned.

Council to elect the

XLIX. And be it enacted, that on the ninth

day of November (69) in every year, the council of the borough shall elect out of the aldermen or councillors of such borough a fit person to be the mayor of such borough, who shall continue in his office for one whole year; and in case a vacancy shall be occasioned in the office of mayor of the borough during such year, by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the council of the borough shall within ten days (70) after such vacancy elect out of the aldermen or councillors of the said borough, another fit person to be the mayor thereof, for the remainder of the then current year. (71)

mayor annually.

L. And be it enacted, that no person elected a mayor, alderman, or councillor, or auditor or assessor, for any borough, shall be capable of acting as such, except in administering the declaration herein-after contained, until he shall have made and subscribed before any two or

Mayor, aldermen, councillors, auditors, and assessors, to make declaration.

(69) On the 1st January, in the first year, 1836. *Ord. C.* 11 *Sep.*

(70) If in the course of these ten days, it become necessary to execute the powers or duties of mayor with respect to elections, the council may forthwith elect one of the aldermen to execute them. *Sect.* 36, *ante.*

(71) That the council may act in the absence of the mayor, and even of the aldermen, is fully shown by sect. 69, *post.* As to the duties of the office of mayor, *see sect.* 18. 32. 36. 48. 57. 69; as to his right of precedence, *see sect.* 57; and as to his salary, *see sect.* 58.

more such aldermen or councillors (who are hereby respectively(72) authorized and required to administer the same to each other) a declaration in the words or to the effect following; (that is to say,)

"I A.B., having been elected mayor [*or* alderman, councillor, auditor, *or* assessor] for the borough of ———, do hereby declare, that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability; [*and in the case of the party being qualified by estate say*, and I do hereby declare that I am seised or possessed of real or personal estate, *or both*, [*as the case may be*,] to the amount of one thousand pounds *or* five hundred pounds,(73) *as the case may require*, over and above what will satisfy all my debts."]

Aldermen, if required, to make a declaration of qualification once in three years.

And that every alderman who shall have made and subscribed the foregoing declaration in respect of estate, shall once in every period of three years, if required in writing so to do by any two members of the council, make and subscribe a declaration that he is qualified to the same amount(74) in real or personal estate, or both, as

(72) From this word "respectively," it may be inferred that when aldermen make the declaration, two or more aldermen must be present, and when made by councillors two or more councillors must be present; when made by a mayor, auditor or assessor, it is not seemingly material whether the persons present be aldermen or councillors.

(73) See sect. 28, *ante*. (74) *Id.*

the case may then be, as the amount mentioned in the declaration originally made and subscribed by him: Provided always, that nothing in this act contained shall be construed to dispense with the obligation of any person to make and subscribe the declaration provided and enjoined by an act made in the ninth year of his late Majesty George the Fourth, intituled "An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments."

Mayor, &c. to make declaration as in 9 G. 4. c. 17.

LI. And be it enacted, that every person duly qualified who shall be elected to the office of alderman, councillor, auditor, or assessor, and every councillor who shall be elected to the office of mayor (75), for any borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay to the mayor, aldermen, and burgesses of such borough such fine not exceeding fifty pounds in case of aldermen, councillors, auditors, or assessors, and such fine not exceeding one hundred pounds in case of mayor, as the council of such borough, by a bye law to be made as herein-after provided (76), shall declare in that behalf; and such fine, if not duly paid, shall be levied by the warrant of any justice

Every person elected alderman, councillor, auditor or assessor, and every councillor elected to the office of mayor, shall accept the office, or pay a fine to the borough fund.

(75) This section does not extend to the case of an alderman elected mayor, who it seems therefore may refuse to serve the office, and is not liable to be fined for his refusal.

(76) In sect. 90.

having jurisdiction within the borough, who is hereby required on the application of the council to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept office, with the reasonable charges of such distress; and every such person so elected shall accept such office, by making and subscribing the declaration herein-before mentioned (77) within five days after notice of his election, otherwise such person shall be liable to pay the said fine as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a fresh election to be made in the manner herein-before mentioned: Provided always, that no person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, shall be liable to such fine as aforesaid: Provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall have already served such office respectively, or paid the fine for not accepting such office respectively, within five years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election: Provided always, that nothing in this act contained shall extend to compel the accept-

Exemptions.

(77) In the last section.

ance of any office or duty whatever in any borough by any military, naval, or marine officer in his Majesty's service on full pay, or by any officer or other person employed and residing within any of his Majesty's dockyards, victualling establishments, arsenals, or barracks.

Any mayor, alderman, or councillor, if he become bankrupt or insolvent, or absent himself from the borough, shall lose his office.

LII. Provided always, and be it enacted, that if any person holding the office of mayor, alderman, or councillor for any borough, shall be declared bankrupt, or shall apply to take the benefit of any act for the relief of insolvent debtors, or shall compound by deed with his creditors, or, being mayor, shall be absent for more than two calendar months, or, being an alderman or councillor, for more than six months, at one and the same time, (unless in case of illness), from the borough of which he shall be mayor, alderman, or councillor, then and in every such case such person shall thereupon immediately become disqualified and shall cease to hold the office of such mayor, alderman, or councillor as aforesaid, and in the case of such absence shall be liable to the same fine, to be recovered in the same manner, as if he had refused to accept the said office (78), and the council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of three or more of

(78) See the last section.

them, countersigned by the town clerk, to be affixed in some public place within the borough, and the said office shall thereupon become void; but every person so becoming disqualified and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any act for the relief of insolvent debtors, or having compounded with his creditors as aforesaid, shall, on obtaining his certificate or on payment of his debts in full, be capable (if otherwise qualified) of being re-elected to such office; and every person becoming disqualified to hold such office on account of absence as aforesaid, shall on his return to such borough be capable of being re-elected to such office, provided he shall then be otherwise qualified.

Penalty on persons not qualified, &c. acting as mayor, alderman, or councillor.

LIII. And be it enacted, that if any person shall act as mayor, alderman, or councillor, or auditor or assessor, for any borough, without having made the declaration herein-before required in that behalf, or without being duly qualified (79) at the time of making such declaration, or after he shall cease to be qualified according to the provisions of this act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of fifty pounds, such sum to be recovered, with full costs of suit, by any person who will

(79) See sect. 28, *ante*.

sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record; and every person so sued by reason of not being so qualified in respect of estate, shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said penalty, without any further evidence being given on the part of the plaintiff than that such person has acted as the mayor, or as alderman, councillor, auditor, or assessor (as the case may be) of such borough: Provided always, that it shall be lawful for any defendant, by judge's order to be obtained within fourteen days after he shall have been served with process in any such action, to require the plaintiff to give security for costs; and in such case all further proceedings in the said cause shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the court for the costs of such action in case a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff; and the defendant shall in either of such cases recover his full costs as between attorney and client: Provided also, that no such action shall be brought except by a burgess of such borough, nor unless the burgess bringing the same shall, within fourteen days after the commission of the

offence, have served a notice in writing personally upon the party committing such offence of his intention to bring such action; and in case the plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this act, to be by him applied in aid of the borough fund: Provided always, that all acts and proceedings of any person in possession of the office of mayor, alderman, councillor, auditor, or assessor, and acting as a mayor, alderman, councillor, auditor, or assessor, shall, notwithstanding such disqualification or want of qualification, be as valid and effectual as if such person had been duly qualified.

Proviso.

Bribery, penalty, and party disqualified from voting at any election, &c.

LIV. And be it enacted, that if any person, who shall have or claim to have any right to vote in any election of mayor, or of a councillor, auditor, or assessor of any borough, shall, after the passing of this act, ask or take any money or other reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give or forbear to give his vote in any such election; or if any person, by himself or any person employed by him, shall, by any gift or

reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election: such person, so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of fifty pounds of lawful money of Great Britain, to be recovered, with full costs of suit, by any one who shall sue for the same, by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster (80); and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in such borough, or in any municipal or parliamentary election whatever in any part of the united kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any office or franchise, to which he then shall or at any time afterwards may be entitled as a burgess of such borough, as if such person was naturally dead.

Persons offending, discovering others so offending, to be discharged from all penalties, &c.

LV. And be it enacted, that if any person offending in any of the cases aforesaid, shall, within the space of twelve months next after such election as aforesaid, discover any other person offending in any of the cases aforesaid, so that such other person be thereon convicted, such person so discovering, and not having been

(80) To be commenced within two years. *Sect.* 56.

before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

No penalty, &c. unless prosecution within two years.

LVI. Provided always, and be it enacted, that no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act imposed in any of the cases aforesaid (81), unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall be incurred, any thing herein contained to the contrary notwithstanding.

The mayor to be a justice of the peace for the borough and returning officer at elections of members to serve in parliament.

LVII. And be it enacted, that the mayor for the time being of every borough, shall be a justice of the peace of and for such borough, and shall continue to be such justice of the peace during the next succeeding year after he shall cease to be mayor, unless disqualified as aforesaid; and such mayor shall, during the time of his mayoralty, have precedence in all places within the borough, and in boroughs which return a member or members to serve in parliament, other than the town of Berwick-upon-Tweed, and other than cities and towns which are counties of themselves, shall be the returning officer at all such elections; and in case the

(81) Namely, the cases mentioned in sect. 54.

mayor shall, at the time when he shall be required to perform the duties of such returning officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no mayor, the council of such borough shall forthwith elect one of the aldermen to be the returning officer for such borough in the place of the mayor being so dead, absent, or otherwise incapable: Provided always, that in every case where there shall be more than one mayor within the boundaries of any borough, as the same are or shall at any future time be settled in so far as respects the election of members to serve in Parliament, the mayor of that borough to which the writ of election shall be directed shall be the returning officer.

Council to appoint town clerk, treasurer, and other officers:

LVIII. And be it enacted, that the council of every borough, on the ninth day of November in this present year (82), shall appoint a fit person, not being a member of the council, to be the town clerk of such borough, who shall hold his office during pleasure; and in any borough may be an attorney of one of his Majesty's superior courts at Westminster, any law, statute, charter, or usage to the contrary notwithstanding; and the council of every borough shall in every year appoint another fit person, not being a member of the council, to be the treasurer of the bo-

(82) This day has been changed to the 1st January, 1836, by *Ord. C.* 30 *Sept.*

rough, and also such other officers as have been usually appointed in such borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary to be re-appointed; and shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council shall think proper; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such other officer to be employed as aforesaid, such salary or allowance as the said council shall think reasonable; and in case of a vacancy in any such office as aforesaid by death, resignation, removal, or otherwise, the council of such borough may appoint another fit person in the place of the person so making such vacancy; provided that the town clerk and treasurer shall not be the same person.

and to take security for the due discharge of their official duties.

Salaries.

Treasurer to pay no money but by order of council.

LIX. And be it enacted, that the treasurer of any borough shall pay no money on account of the mayor, aldermen, and burgesses of such borough, save only in such case as is provided by this act (83), or upon the order in writing of the council, signed by three or more members of the

(83) In sect. 62. 82. 113.

council, and countersigned by the town clerk of such borough, or by order of the court of sessions of the peace for the borough (84), or of a justice of the peace acting in and for the borough in the discharge of his judicial duty, in such case as is provided by this act, or in such case as a court of sessions of the peace for any county, or a justice of the peace acting in and for a county in the discharge of his judicial duty, may make an order for the payment of money on the treasurer of such county, or for the payment of the salaries granted to any recorder or police magistrate as herein-after provided.

Officers to account, &c.

LX. And be it enacted, that every town clerk, treasurer, or other officer, appointed by the council as aforesaid, shall, at such times during the continuance of his office, or within three months after the expiration of his office, and in such manner as the said council shall direct, deliver to the council, or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this act, and also of all monies which shall have been by him received by virtue or for the purposes of this act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such

(84) See sect. 62.

persons as shall not have paid the monies due from them for the purposes of this act, and of the amount due from each of them; and every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person as the said council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said council, or to such person as they shall authorize, within three days after being thereunto required by notice in writing, under the hands of any three or more of the said council, to be given to or left at the last place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this act, or to give satisfaction to the said council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any justice of the peace for the county or other jurisdiction wherein such officer so refusing or neglecting shall be or reside, such justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any two justices of the peace for such county or jurisdiction; and upon the said

Remedy for not accounting, &c.

officer appearing, or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to such justices that any monies remain due from such officer, such justices may and they are hereby authorized and required, upon non-payment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such list as aforesaid, or that any books, papers, or writings relating to the execution of this act remain in the hands or in the custody or power of such officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said council for such monies, and shall have paid such composition in such manner as they shall appoint, (which composition the said council are hereby empowered to make and receive,) or until he shall

have delivered a true account as aforesaid, together with such vouchers and list (85) as aforesaid, or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof, to the said council, or to such other person as aforesaid, as the case may be:

Proviso. Provided always, that no person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than three

Remedy by action. calendar months: Provided also, that nothing in this act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer, but such officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this act, for the same cause.

Councils of cities and towns, which are counties, to appoint a sheriff. LXI. And be it enacted, that in the city of Oxford, in the town of Berwick-upon-Tweed, and in the counties of the cities of Bristol, Canterbury, Chester, Coventry, Exeter, Gloucester, Lichfield, Lincoln, Norwich, Worcester, and York, and in the counties of the towns of Caermarthen, Haverfordwest, Kingston-upon-Hull, Newcastle-upon-Tyne, Nottingham, Poole, and Southampton, the council shall on the first day of November in every year (86) appoint a fit person

(85) "*Lists*" in the printed copies.

(86) On the 1st January, in the first year, 1836. *Ord. C.* 11 *Sep.*

to execute the office of sheriff, with the like duties and powers as the sheriff or the person filling the office of sheriff in the said town and counties respectively would have had if this act had not passed; and every person who, at the time of the passing of this act, shall hold the office or execute the duties of sheriff in the said town and counties respectively, shall continue to hold and execute the same until the first appointment of a sheriff therein under the provisions of this act, and no longer.

In certain boroughs, council to appoint a coroner;

LXII. And be it enacted, that the council of every borough, in which a separate court of quarter sessions of the peace shall be holden, as is herein-after provided (87), shall, within ten days next after the grant of the said court shall have been signified to the council of such borough, appoint a fit person, not being an alderman or councillor, to be coroner of such borough so long as he shall well behave himself in his office of coroner, and shall fill up every vacancy of the office of coroner of the borough, by death, resignation, or removal, within ten days next after such vacancy shall have occurred; and none thereafter shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner so from time to time to be appointed; and every such coroner, for every inquisition which he shall duly take within such bo-

his fees.

(87) In sect. 103, *post*.

rough, shall be entitled to have the sum of twenty shillings, and also the sum of ninepence for every mile exceeding two miles which he shall be compelled to travel from his usual place of abode to take such inquisition, to be paid by the treasurer out of the borough fund of such borough, by order of the court of quarter sessions for such borough.

Coroners to make returns to secretary of state.

LXIII. And be it further enacted, that on or before the first day of February in every year after the passing of this act, every coroner appointed in any borough shall make and transmit to one of his Majesty's principal secretaries of state a return in writing, according to such form as the said secretary of state from time to time shall direct, of all the cases in which he may have been called upon to hold an inquest, touching the cause of death of any person, during the year ending on the thirty-first day of December immediately preceding.

Coroner of the county to act in other boroughs.

LXIV. And be it enacted, that in every borough, in and for which no separate court of quarter sessions of the peace shall be holden, no person from and after the end of this present year shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner for the county or district in which such borough is situated; and the coroner of such county or district, for every inquisition which he shall duly take within any place or

precinct within any such borough, shall be entitled to have such rateable fees and salary as would be allowed and due to him, and to be allowed and paid in like manner, as for any other inquisition taken by him within such county: Provided always, that nothing in this act contained shall extend or be construed to annul, diminish, or affect the authority of the lord high admiral, or of the commissioners for executing the office of lord high admiral of the united kingdom for the time being, or of the judge of the High Court of Admiralty of England, as the lieutenant of the lord high admiral in the said court, to appoint coroners to act within the jurisdiction of the Admiralty in the several ports and havens and on the sea-coast of England, and to take inquisitions touching deaths happening within the said jurisdiction, as hath heretofore been done. Proviso.

LXV. And be it enacted, that the council elected under this act in any borough, shall have power to remove from his office every bailiff, treasurer, or chamberlain, and every other ministerial or executive officer of such borough and body corporate, who shall be in his office at the time of the first election of councillors under this act (88); and every such bailiff, treasurer, or chamberlain, and every other ministerial or exe- Council empowered to remove certain officers; such officers to continue until removed.

(88) See the next section.

cutive officer in such borough shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees, and emoluments as he would have had if this act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this act; and every officer, who shall be in possession or receipt of any monies, goods, valuable securities, books, and papers belonging to or concerning the body corporate whose officer he is, shall deliver up and account for the same to the council of such body corporate appointed under this act; and the council shall have the same remedy against such officer to recover the same as is herein-before (89) provided in the case of officers appointed by such council: Provided always, that all the charters, deeds, muniments, and records of every borough, or relating to the property thereof, shall be kept in such place as the council from time to time shall direct, and the town clerk for the time being shall have the charge and custody of and be responsible for the same.

Muniments, records, &c. to be kept by the town clerk.

Officers removed, &c. to receive compensation.

LXVI. And be it enacted, that every officer of any borough or county, who shall be in any office of profit at the time of the passing of this

(89) In sect. 60.

act, whose office shall be abolished, or who shall be removed from his office (90) under the provisions of this act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate compensation, to be assessed by the council, and paid out of the borough fund, for the salary, fees, and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every person entitled to such compensation as aforesaid, shall deliver to the town clerk, or in case such person shall himself be town clerk then to the treasurer of the borough, a statement under the hand of such person, setting forth the amount received by him or his predecessors in every year during the period of five years next before the passing of this act, on account of the salary, fees, emoluments, profits, and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment, or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information, and belief of such person, and also setting forth the sum claimed by him as such compensation; and the town clerk or treasurer, as the case shall be, shall lay

(90) See the proviso at the end of this section.

such statement before the council, who shall take the same into consideration, and determine thereon; and immediately upon such determination being made, the person preferring such claim, if he shall not himself be the town clerk, shall be informed thereof by notice in writing under the hand of the town clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the person preferring such claim shall think himself aggrieved by the determination of the council thereon, or in case one-third of the members of the council shall subscribe a protest against the amount of compensation allowed by the determination of the council as excessive, it shall be lawful for the person preferring such claim, or any member of the council who shall subscribe such protest, to appeal to the lords commissioners of his Majesty's treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by three or more of such lords commissioners, shall be binding on all parties: Provided always, that if the council shall not determine on such claim within six calendar months after the aforesaid statement shall be delivered to the town clerk or treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, that it shall not be lawful for any member of the

council to subscribe such protest as aforesaid except within such period of six calendar months: Provided also, that the person preferring such claim, if any member of the council shall so require, upon receiving notice in writing signed by the town clerk, unless such person shall himself be town clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the council for the investigation of such claim, and then and there, upon his oath or solemn affirmation, to be taken or made before the mayor, (who is hereby authorized to administer the same) shall answer all such questions as shall be asked by any member of the council touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers, and writings in his possession, custody, or power relating thereto: Provided also, that every such officer, who shall be continued in or re-appointed to such office under the provisions of this act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this act, and had not been continued in or re-appointed to such office. Proviso.

LXVII. And be it enacted, that the sum pay- Compensation to be

secured by bond under the common seal.

able to any person as such compensation as aforesaid, shall be secured to such person by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors or administrators or assigns, of such sum, with all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund, and delivered to the person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the council of the borough, or shall have been determined, in the event of such appeal as aforesaid, by the order of the said lords commissioners.

Certain pensions and allowances granted by corporations, also to be secured by bond.

LXVIII. And be it enacted, that all pensions and allowances granted on or before the fifth day of June in this present year, by the corporate body named in the said Schedules (A.) and (B.) in conjunction with any borough, to any retired officer or servant, or to the widow or child of any officer or servant, and all stipends and allowances which during seven years next before the said fifth day of June have been usually paid and granted to the minister or late minister of any church or chapel, or to the master or usher of any school, or to the governor or master of any hospital within such borough, and

all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such corporate body, shall be secured, as soon as conveniently may be after the passing of this act, to every person entitled or accustomed to have and receive the same, by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors and administrators, of such pension, stipend, or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund.

Acts and meetings of the council;

LXIX. And be it enacted, that all acts whatsoever authorized or required by virtue of this act to be done by the council of such borough, and all questions of adjournment or others that may come before such council, may be done and decided by the majority of the members of the council who shall be present at any meeting held in pursuance of this act, the whole number present at such meeting not being less than one third part of the number of the whole council; and at all such meetings the mayor, if present, shall preside; and the mayor, or, in the absence of the mayor, such alderman (91), or in the absence of all the aldermen, such councillor as the mem-

who to preside.

(91) "*Aldermen*" in some of the printed copies.

bers of the council then assembled shall choose to be the chairman of that meeting, shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the mayor, alderman, or councillor presiding at such meeting; and the said minutes shall be open to the inspection of any burgess, at all reasonable times, on payment of a fee of one shilling: Provided always, that previous to any meeting of the council held by virtue of this act, a notice of the time and place of such intended meeting shall be given three clear days at least before such meeting, by fixing the said notice on or near the door of the town hall of the borough; and such notice shall be signed by the mayor, who shall have power to call a meeting of the council as often as he shall think proper; and in case the mayor shall refuse to call any such meeting, after a requisition for that purpose signed by five members of the council at the least shall have been presented to him, it shall be lawful for the said five members to call a meeting of the council by giving such notice as is herein-before required in that behalf, such notice to be signed by the said members instead of the mayor, and stating therein the business proposed to be transacted at such meeting; and in every case a summons to attend the council, specifying the business

Notice of meetings;

who may call the meeting;

summons to be sent to the members.

proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council or at the premises in respect of which he is enrolled a burgess, three clear days at least before such meeting; and no business shall be transacted at such meeting other than is specified in the notice (92): Provided always, that there shall be in every borough four quarterly meetings in every year, at which the council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said quarterly meetings shall be holden at noon on the ninth day of November, (83) or if the ninth day of November shall fall on a Sunday on the day following, and at such hour on such other three days before the first day of November then next following as the council at the quarterly meeting in November shall decide; and the first business transacted at the quarterly meeting in November shall be the election of mayor.

Quarterly meetings.

(92) There is some confusion here: where the meeting of the council is called by the mayor, this section does not expressly require that the notice of the meeting should specify the business intended to be transacted, although the summons must; it is only in cases where the meeting is called by requisitionists, upon the mayor refusing to call it, that the notice of meeting is required to specify the business to be transacted. On the other hand, it might perhaps be inferred, from the proviso at the end of the above section, that the notice should be thus specific for all except the quarterly meetings.

(93) In the first year, on the 1st January, 1836. *Ord. C.* 11 *Sep.*

Council may appoint committees.

LXX. And be it enacted, that it shall be lawful for the council of any borough, to appoint, out of their own body, from time to time, such and so many committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which, in the discretion of such council, would be better regulated and managed by means of such committees: Provided always, that the acts of every such committee, shall be submitted to the council for their approval.

Charitable trusts in corporations to cease on the 1st August, 1836;

LXXI. And whereas divers bodies corporate now stand seised or possessed of sundry hereditaments and personal estate, in trust, in whole or in part, for certain charitable trusts, and it is expedient that the administration thereof be kept distinct from that of the public stock and borough fund; be it enacted, that in every borough in which the body corporate, or any one or more of the members of such body corporate, in his or their corporate capacity, now stands or stand solely, or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate, seised or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part in trust or for the benefit of any charitable

uses or trusts whatsoever, all the estate, right, interest, and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, shall continue in the persons who, at the time of the passing of this act, are such trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which before the passing of this act they were such trustees, until the first day of August one thousand eight hundred and thirty-six, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, that if any vacancy shall be occasioned among the charitable trustees for any borough before the said first day of August, it shall be lawful for the lord high chancellor or lords commissioners of the great seal for the time being, upon petition, in a summary way, to appoint another trustee to supply such vacancy; and every person so appointed a trustee as last aforesaid shall be a trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a trustee, and he shall then cease to be a trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said first day of August, one thousand eight hundred and thirty-six, the lord high chancellor or lords commissioners of the great seal shall make such orders as he or they shall see fit for the adminis-

and then provision shall be made by order of the Lord Chancellor.

tration, subject to such charitable uses or trusts as aforesaid, of such trust estates.

Council to act as trustees in matters not relating to charities, where corporators were ex officio sole trustees.

LXXII. And be it enacted, that the body corporate named in the said schedules (A.) and (B.) in conjunction with any borough, shall be trustees for executing, by the council of such borough, the powers and provisions of all acts of Parliament made before the passing of this act, (other than acts made for securing charitable uses and trusts), and of all trusts (other than charitable uses and trusts) of which the said body corporate, or any of the members thereof in their corporate capacity, was or were sole trustees before the time of the first election of councillors in such borough under this act.

Where corporators are joint trustees with others, and in other cases not herein provided for, council to appoint.

LXXIII. And be it enacted, that in every borough in which the body corporate, or a particular or limited number, class, or description of members of the body corporate, or of persons appointed by the body corporate, was or were before the passing of this act trustees, jointly with other trustees, for the execution of any act of Parliament, or of any trust; or in which the body corporate, or any particular or limited number, class, or description of members or nominees of the body corporate, by any statute, charter, bye-law, or custom, was or were before the passing of this act lawfully appointed to or exercised any powers, duties, or functions what-

soever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this act: the council of such borough, on the day named in such act as last aforesaid, or in the deed or will by which such trust is created, for a new election, nomination, or appointment of trustees, or on which such new election, nomination, or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the first day of January in every year,) shall appoint the like number of members of the council, or as near as may be to the like number of members of the council, as there were theretofore members or nominees of such corporate body, who in right of their office were such trustees, or charged with the execution of such powers, duties, and functions, in room of the members or nominees of such corporate body ceasing to be trustees, or ceasing to exercise such powers, duties, and functions by virtue of this act; and in every case of extraordinary vacancy among the trustees or persons so appointed by the council, shall forthwith appoint one other member of the council, in the room of the person by whom such vacancy has been made, and to hold his trust or office for such time as the person by whom such vacancy has been made would regularly have held it.

LXXIV. And be it enacted, that notwith- Trustees for a definite time,

to continue; if for an indefinite time, or for life, to continue until 1st January, 1836, only.

standing any thing in this act contained, every member of any body corporate who in his corporate capacity, and every nominee of any body corporate, or any particular number, class, or description of members of such body corporate, who at the time of the passing of this act shall be for a definite number of years or other shorter time a trustee of such acts or trusts as last aforesaid, shall continue to be such trustee until the time when he would have ceased to be such trustee if this act had not passed; and if a trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the first day of January in the year one thousand eight hundred and thirty-six, and no longer; and every member of the council, appointed under the provisions of this act to be a trustee of such acts or trusts as last aforesaid, shall continue to be such trustee until the time herein provided for the new appointment of a member of the council to be trustee in his room, notwithstanding that he may have ceased to be a member of the council; and in case any particular member or officer of any of the said bodies corporate shall have been appointed by any such act, or by any such trust deed or will as last aforesaid, to perform during a definite number of years or other shorter time any specific powers, duties, or functions whatsoever, the person who at the time of the passing of this

act shall be the person designated and qualified to perform the same shall continue to perform the same until the time when he would have ceased to perform the same if this act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the first day of January in the year one thousand eight hundred and thirty-six and no longer: Provided nevertheless, that nothing in this act shall be construed to extend to the body corporate of the trustees of the Liverpool docks, but that every person who at the time of the passing of this act shall be a trustee of the Liverpool docks, and none other, shall be continued to be such trustee until the first day of November in the year one thousand eight hundred and thirty-six, and no longer; and every such trustee who is appointed to discharge, or in his corporate capacity discharges any powers, duties, or functions whatsoever in respect of the said last-mentioned trust estate, and none other, shall continue to discharge the same, as if this act had not passed, until the first day of November in the year one thousand eight hundred and thirty-six, and no longer. Proviso.

In what cases trustees for paving, lighting, &c. may transfer their trusts to the council.

LXXV. And whereas it may be expedient that the powers now vested in the trustees appointed under sundry acts of Parliament for

paving, lighting, cleansing, watching, regulating, supplying with water, and improving certain boroughs, or certain parts thereof, should be transferred to and vested in the councils of such boroughs respectively; be it enacted, that the trustees appointed by virtue of any such act of Parliament as last aforesaid, wherein the trustees, or the persons whose trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing under their hands and seals all the powers vested in them as such trustees by any such act or acts of Parliament as aforesaid, to the said body corporate of such borough, and the said body corporate of such borough shall thenceforth be trustee for executing, by the council of such borough, the several powers and provisions of any such act or acts of Parliament, and the members of the council shall have the same powers, and be subject to the same duties, as if their names had been originally inserted in such act or acts, or as if they had been elected under the provisions of any such act or acts as such trustees respectively: (94) Provided always, that no such transfer as aforesaid shall be made of the powers vested by virtue of the acts mentioned in schedule (E.) which relate to the town of Cambridge, without the consent of the chan-

Proviso.

(94) See sect. 88, *post*.

cellor, masters, and scholars of the University of Cambridge.

LXXVI. And be it enacted, that the council to be elected for any borough shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the mayor of the borough for the time being, shall be and be called the watch committee for such borough; and all the powers hereinafter given to such committee, may be executed by the majority of those who shall be present at any meeting of such committee, the whole number present at such meeting being not less than three; and such watch committee shall, within three weeks after their first formation, and so from time to time thereafter as occasion shall require, appoint a sufficient number of fit men, who shall be sworn in before some justice of the peace having jurisdiction within the borough to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within such borough, but also within the county in which such borough or part thereof shall be situated, and also within every county being within seven miles of any part of such borough, and also

The council shall appoint a watch committee;

such committee shall appoint constables,

who may act within the county, &c. as well as the borough.

within all liberties in any such county, have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constablewick by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the justices of the peace having jurisdiction within such borough, or within any county in which they shall be called on to act as constables, for conducting themselves in the execution of their office.

Regulations for the management of the constables.

LXXVII. And be it enacted, that the watch committee for any such borough as aforesaid may may from time to time frame such regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such constables efficient in the discharge of their duties; and the said committee, or any two justices of the peace having jurisdiction within the borough, may at any time suspend or dismiss any constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said constabulary force, all powers vested in him as a constable by virtue of this act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of two of the justices of

By whom they may be dismissed.

the peace having jurisdiction within the borough.

Constables' duties.

LXXVIII. And be it enacted, that it shall be lawful for any constable, during the time of his being on duty, to apprehend all idle and disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of intention to commit a felony, and to deliver any person so apprehended into the custody of the constable appointed under this act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a justice of the peace to be dealt with according to law, or may give bail for his appearance before a justice of the peace, if the constable shall think fit to take bail, in the manner hereinafter mentioned. (95)

Constables may take bail in petty misdemeanors.

LXXIX. And be it enacted, that where any person, charged with any petty misdemeanor, shall be brought without the warrant of a justice of the peace into the custody of any constable appointed under this act, during his attendance in the night-time at any watch-house within any such borough as aforesaid, it shall be lawful for such constable, if he shall think fit, to take bail by recognizance, without any fee or

(95) In the next section.

reward, from such person, conditioned that such person shall appear for examination within two days before a justice of the peace within the borough at some time and place to be specified in the recognizance; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a justice of the peace; and the constable shall enter in a book, to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the justice shall cause a record of the recognizance to be drawn up to be signed by the constable, and shall return the same to the next general or quarter sessions of the peace for the borough, or for the county in which such borough is situate in those boroughs for which there shall be no separate general or quarter sessions of the peace, with a certificate at the back thereof, signed by such justice, that the party has not complied with the obligation therein contained; and the clerk of the peace shall make the like estreats

and schedules of every such recognizance, as of recognizances forfeited in the sessions of the peace; and if the party not appearing shall apply by any person on his behalf to postpone the hearing of the charge against him, and the justice shall think fit to consent thereto, the justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the sessions, or otherwise, the recognizance for the appearance of the party before a justice shall be discharged without fee or reward.

Penalties on constables for neglect of duty.

LXXX. And be it enacted, that if any constable of any borough shall be guilty of any neglect of duty, or of any disobedience of any lawful order, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence be liable to be imprisoned for any time not exceeding ten days, or to be fined in any sum not exceeding forty shillings, or to be dismissed from his office, as such justices shall in their discretion think meet. (96)

For assaults on constables, party

LXXXI. And be it enacted, that if any person

(96) See the form of conviction, sect. 130, *post*.

may be summarily convicted, shall assault or resist any constable of any borough appointed under this act in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum, not exceeding five pounds, as the

or indicted. said justices shall think meet: (97) Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this act, for the same offence. (98)

Treasurer to pay constables' wages, &c. LXXXII. And be it enacted, that the treasurer of every borough appointed under this act, shall pay to the constables of such borough, appointed under this act, such salaries, wages, and allowances, and at such periods, as the watch committee for such borough shall, subject to the approbation of the council, direct; and the council shall order to be paid also any extraordinary expences, which such persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any justice of the peace having jurisdiction within such borough, such expences having been first exa-

(97) See the form of conviction, sect. 130, *post*.
(98) See the form of such an indictment, 2 *Arch. Peel's Acts*, (3d *Ed.*) *p.* 170.

mined and approved by such justice; and the said treasurer shall also pay such further sums as the watch committee shall, subject to the approbation of the council, award to any of the persons belonging to the said constabulary force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other charges and expences which the watch committee shall, subject to the approbation of the council, direct to be paid, for the purposes of the constabulary force under this act.

Magistrates to appoint annually a certain number of persons to act as special constables, when required;

LXXXIII. And be it enacted, that any two or more of the justices of the peace having jurisdiction within any borough, are hereby authorized and required, in the month of October in every year, to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the inhabitants of such borough (not legally exempt from serving the office of constable), to act as special constables within such borough, whensoever they shall be required, by the warrant of any of the justices of the peace having jurisdiction within such borough, so to act, and not otherwise; and every such warrant shall recite that, in the opinion of the justice granting the same, the ordinary police force of

the borough is insufficient at that time to maintain the peace of the borough; and every person so appointed a special constable shall take the oath set forth in the act passed in the session of Parliament holden in the first and second years of the reign of his present Majesty, intituled

1 & 2 W. 4. c. 41.

"An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace," and shall have the powers and immunities, and be liable to the duties and penalties, enacted by the said last-mentioned act; and every person so appointed a special constable, shall receive out of the borough fund, for every day during which he shall be called out to act as such, the sum of three shillings and sixpence, and no more.

how paid.

On notice of appointment of constables, the present provisions in local acts as to watching, &c. to cease.

LXXXIV. And be it enacted, that as soon as constables shall have been appointed by the watch committee for any borough, a notice, signed by the mayor of such borough, specifying the day on which such constables shall begin to act, shall be fixed on the door of the town hall and every church within such borough; and on the day so specified in such notice, so much of all acts named in conjunction with such borough in the schedule (E.) to this act annexed, and of all acts made before the passing of this act, as relates to the appointment, regulation, powers, and duties, or to the assessment or collection of any rate to provide for the expences

of any watchmen, constables, patrol, or police for any place situated within such borough, shall cease and determine; and all watch-houses and watch-boxes in any such place, and all arms, accoutrements, and other necessaries provided at the public expence for any watchmen, constables, patrol, or police therein, shall be given up to such persons as shall be named by the said mayor in such notice, for the use and accommodation of the constables to be appointed under this act, and all the property so to be given up shall be deemed to belong to the body corporate of such borough; and in case any person having the charge, control, or possession of any watch-house, watch-box, arms, accoutrements, or necessaries as aforesaid, shall neglect or refuse to give up the same as hereinbefore required, every such offender, being convicted (99) thereof before any two justices of the peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum not exceeding five pounds as the said justices shall think meet; and where there shall be any building in any such place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day, from the hour of four in the afternoon until the hour of nine in the forenoon, for the

Watch-boxes, arms, &c. to be given up;

penalty.

(99) See the form of conviction, sect. 130, *post*.

use and accommodation of the constables to be appointed under this act; and if any person having the charge, control, or possession of any such building, shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet: Provided nevertheless, that in every case in which before the passing of this act a rate might be levied in any borough for the purpose of watching, conjointly with any other purpose, nothing in this act contained shall be construed to prevent the levying and collecting of such rate for such other purpose solely, or to repeal the powers given in any act so far as the same relate to such other purpose: Provided always, that where the amount of such rate before the passing of this act might not exceed a given rate in the pound on the value of property rateable thereunto, the rate so to be levied for such other purpose solely shall not exceed such proportion of the said given rate in the pound as shall appear to have been expended for such purpose, other than watching, by an account of the average yearly expenditure during the last seven years, or where such rate shall not have been levied

during seven years, then during such less number of years as such rate shall have been levied.

LXXXV. Provided always, and be it enacted, that any rate for defraying the expences of any watchmen, constables, patrol, or police in any such place as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this act had not been passed: Provided also, that nothing herein contained shall prevent the levying and collecting of any rate in any such place as aforesaid, for the purpose of paying any debt contracted before the passing of this act, or the interest of any such debt, but that such rate shall and may be levied and collected in the same manner as if this act had not been passed.

Proviso as to rates in arrear, and as to debts.

LXXXVI. And be it enacted, that the watch committee of every such borough shall, on the first day of January, the first day of April, the first day of July, and the first day of October in every year, transmit to one of his Majesty's principal secretaries of state a report of the number of men appointed to act as constables or policemen in such borough, and of the description of arms, accoutrements, and clothing, and other necessaries furnished to each man, and of the salaries, wages, and allowances payable to such constables or policemen, and of

Watch committee to transmit a report quarterly to the Secretary of State, and also a copy of their rules, &c.

the number and situation of all station houses in such borough; and also a copy of all rules, orders, and regulations, which shall from time to time be made by such watch committee or by the council of such borough, for the regulation and guidance of such constables or policemen.

Council may order parts of a borough not within a local act as to lighting, to be included in such act.

LXXXVII. And whereas parts of certain boroughs are within the provisions of one or more local act or acts for regulating the lighting thereof, and certain other parts of the same boroughs are not within the provisions of any local act for regulating the lighting thereof, and for want of such lighting the efficiency of the constables may be much diminished, and great facilities afforded for the commission of crimes and for the escape of offenders: for remedy thereof be it enacted, that it shall be lawful for the council of any borough, in any part of which there is a local act for the lighting thereof, to make an order that any part of such borough not being within the provisions of any local act for the lighting thereof shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local act or acts for lighting any part of such borough as the common council (100) shall specify in such order; and after such day, the part named in such order shall be within the provisions of the act

(100) This is, I believe, the only part of the statute in which the council is named "the Common Council."

or acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such act or acts, any thing in such act or acts to the contrary notwithstanding: Provided always, that every part named in such order, shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such local act, and that the rate to be raised for the purpose of defraying the expences of lighting any part so named in such order shall not exceed the average expence in the pound of the lighting of the other parts of such borough. Proviso.

Council may assume the powers of inspectors under 3 & 4 W. 4. c. 90. for lighting any part of the borough, not within a local act for lighting the same.

LXXXVIII. And be it enacted, that if the council of any borough chosen under this act shall, by public notice to be affixed on the outer door of the town hall or in some public place within the borough, declare that on a certain day, to be named in such notice, not less than twenty-one days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the inspectors named in a certain act made in the third and fourth year of his present Majesty, intituled "An Act to repeal an Act of his late Majesty King George the Fourth, for the Lighting and Watching of Parishes in England and Wales, and to make other Provisions in lieu thereof," so far as the same relates to the lighting the whole

or any part of any borough which is not within the provisions of any local act, (101) or in which there is no power of levying rates for lighting the same, the council of such borough shall, after the day named in such notice, have the same powers and duties as belong to inspectors under the said last-recited act in regard to lighting, and to levying rates for the purpose of lighting such part of the borough, except so far as the same are contrary to or inconsistent with the provisions of this act; and in such case the council shall have the sole power to fix and determine the amount of money which they will call for in any one year for the purpose of lighting such part of the borough, so that such sum shall not exceed the rate of sixpence in the pound on the full and fair annual value of all property rateable to the relief of the poor within such part of the borough: Provided also, that it shall not be lawful in such case for the inhabitants of such part of the borough at any time to determine that the provisions of the said recited act shall cease to be acted upon.

Proviso.

Act not to interfere with the regulations for the government, &c. of dockyards, arsenals, &c.

LXXXIX. Provided always, and be it enacted, that nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal regulations established for the government and security of any of his Majesty's dockyards, victualling establishments, arsenals,

(101) See sect. 75, *ante*.

and barracks respectively; nor shall any of the tenements within the said dockyards, victualling establishments, arsenals, or barracks, or the inhabitants of the same, be liable to be assessed to the rates for watching, paving, or lighting the other parts of the city, borough, or parish within which the same may be respectively situated, unless such tenements or the inhabitants thereof are now or may hereafter become liable to be assessed to any such rates made under or by virtue of any law or statute now in force; nor shall any thing herein contained extend to defeat or affect the authority of justices of the peace, which, by an act passed in the second year of his present Majesty's reign, intituled "An Act to amend the laws relating to the business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments," is vested in the commissioners for executing the office of Lord High Admiral of the United Kingdom, and in the superintendents of the several dock yards and other naval and victualling establishments, in all places and in all matters relating to his Majesty's naval service, and to the stores, provisions, ammunition, and accounts thereof. 2 & 3 W. 4. c. 40.

Council to have power to make bye laws.

XC. And be it enacted, that it shall be lawful for the council of any borough, to make such bye laws as to them shall seem meet for the good rule and government of the borough, and for

prevention and suppression of all such nuisances as are not already punishable in a summary manner by virtue of any act in force throughout such borough, and to appoint by such bye laws such fines as they shall deem necessary for the prevention and suppression of such offences; (102) provided that no fine so to be appointed shall exceed the sum of five pounds, and that no such bye law shall be made unless at least two-thirds of the whole number of the council shall be present; provided that no such bye law shall be of any force, until the expiration of forty days after the same or a copy thereof shall have been sent, sealed with the seal of the said borough, to one of his Majesty's principal secretaries of state, and shall have been affixed on the outer door of the town hall or in some other public place within such borough; and if at any time within the said period of forty days, his Majesty, with the advice of his privy council, shall disallow the same bye law or any part thereof, such bye law or the part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for his Majesty, if he shall think fit, at any time within the said period of forty days, to enlarge the time within which such bye law, if disallow-

(102) As the power here given to impose a fine, refers only to bye laws made for the prevention and suppression of nuisances, it may possibly be doubted whether the breach of any other bye laws can be punished in a summary way under this act, notwithstanding the general way in which the next section is worded.

ed, shall not come into force; and no such bye law shall in that case come into force, until after the expiration of such enlarged time.

Breaches of bye laws, how punishable.

XCI. And be it enacted, that all the provisions herein-after contained relative to offences against this act punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any bye law or regulation made by virtue of this act. (103)

Annual proceeds of corporate property, and all fines received, to be carried to the account of the borough fund;

XCII. And be it enacted, that after the election of the treasurer in any borough, the rents and profits of all hereditaments, and the interest, dividends, and annual proceeds of all monies, dues, chattels, and valuable securities, belonging or payable to any body corporate named in conjunction with the said borough in the said schedules (A.) and (B.), or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this act (the application of which has not been already provided for), shall be paid to the treasurer of such borough; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called "The Borough Fund;" and such fund, subject to the payment of any lawful debt due from such body corporate to any person, which shall have been contracted before

which (subject to debts, &c.) shall be applied to the payment of salaries, and expences of elections, prosecutions, &c.

(103) See the note to the last section.

the passing of this act, and unredeemed, or of so much thereof as the council of such borough from time to time shall be required or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims, or demands of all persons or bodies corporate in or upon the real or personal estate of any body corporate, by virtue of any proceedings either at law or in equity which have been already instituted or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the mayor, and of the recorder, and of the police magistrate hereinafter mentioned, when there is a recorder or police magistrate, and of the respective salaries of the town-clerk and treasurer, and of every other officer whom the council shall appoint, and also toward the payment of the expences incurred from time to time in preparing and printing burgess lists, ward lists, and notices, and in other matters attending such elections as are herein mentioned, and, in boroughs which shall have a separate court of sessions of the peace as is hereinafter provided (104), towards the expences of the prosecution, maintenance, and punishment of offenders, and towards such other sum to be paid by such borough to the

(104) In sect. 103, *post*.

treasurer of such county as is hereinafter provided(105), and towards the expence of maintaining the borough gaol, house of correction, and corporate buildings, and towards the payment of the constables and of all other expences not herein otherwise provided for which shall be necessarily incurred in carrying into effect the provisions of this act; and in case the borough fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the council, for the public benefit of the inhabitants and improvement of the borough; provided that it shall not be lawful for the council to be elected under the provisions of this act, in any borough, in which the body corporate named in conjunction with the said borough in the said schedules (A.) and (B.) before the time of the passing of this act shall have contracted any lawful debt chargeable on any tolls or dues belonging or payable to the said body corporate or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were applicable before the passing of this act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission of or exemption from such tolls or dues, or any part thereof, unless with the consent in writing

Application of surplus.

(105) In sect. 117, *post.*

under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied; and in case the borough fund shall not be sufficient for the purposes aforesaid, the council of the borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, will be sufficient for the payment of the expences to be incurred in carrying into effect the provisions of this act; and in order to raise the amount so estimated, the said council is hereby authorized and required from time to time to order a borough rate in the nature of a county rate to be made within their borough, and for that purpose the council of such borough shall have within their borough all the powers which any justices of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of an act made in the fifty-fifth year of his late Majesty king George the Third, intituled "An Act to amend an Act of his late Majesty king George the Second, for the more easy assessing, collecting, and levying of County Rates," or as near thereto as the nature of the case will admit, except as is hereinafter excepted; and all warrants required by the said act to be issued under the hands and seals of two or more justices, shall in like case

If the fund be insufficient, the council shall order a borough rate to make up the deficiency;

55 G. 3. c. 51.

be signed by the mayor, and sealed with the seal of the borough; provided that such council shall not be empowered to receive, hear, or determine any appeal against any such rate; and if any person shall think himself aggrieved by any such rate, it shall be lawful for him to appeal to the recorder hereinafter mentioned at the next quarter sessions for the borough in which such rate has been made, or in case there shall be no recorder within such borough, to the justices at the next court of quarter sessions for the county within which such borough is situate, or whereunto it is adjacent; and such recorder or justices respectively shall have power to hear and determine the same, and to award relief in the premises, as in the case of an appeal against any county rate; and all such sums levied in pursuance of such borough rate shall be paid over to the account of the borough fund, and, subject to the provisions herein-before contained, shall be applied to all purposes to which before the passing of this act a borough rate or county rate was by law applicable in such borough or county: Provided that in every case in which before the passing this act any rate might be levied in any borough, or in any parish or place made part of any borough under the provisions of this act, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the council

Watch rate.

of such borough to levy a watch rate sufficient to raise any sum not greater than the average yearly sum which during the last seven years, or where such rate shall not have been levied during seven years then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrole, or policeman (106) within the district in which such rate was levied, and for that purpose the council shall have all the powers herein-before given to the council in the matter of the borough rate; and where any part of any borough shall not at the time of the passing of this act be within the provisions of the act authorizing the levy of such rate for watching as aforesaid, it shall be lawful for the council from time to time to order that such part, or so much thereof as to the council shall seem fit, shall be rated to the watch rate in like manner as other parts of the borough to be specified in such order, and such watch rate thereupon shall be levied within the part mentioned in such order in like manner as in the other parts of the borough so specified, and all such sums levied in pursuance of such watch rate shall be paid over to the account of the borough fund: Provided always, that no such order as last aforesaid shall be made for rating to such watch rate any part of any borough in which at the time of passing this act

(106) "Policeman" on the roll; "policemen" in the several printed copies of the act.

such rate as aforesaid shall not be levied, and which is more than two hundred yards distant from any street or continuous line of houses which shall be regularly watched within the borough under the provisions of this act: Provided also, that nothing in this act contained shall be construed to render liable to the payment of any debt contracted before the passing of this act by any body corporate, any part of the real or personal estate of the said body corporate which before the passing of this act was not liable thereto, or to authorize the levy of any rate within any part of any borough for the purpose of paying any debt contracted before the passing of this act, which before the passing of this act could not lawfully be levied therein towards the payment of the same. Proviso.

XCIII. And be it enacted, that the treasurer of every borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all seasonable times be open to the inspection of any of the aldermen or councillors of such borough; and all the accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the treasurer of the borough to the auditors herein-before provided to be elected, and to such mem- Accounts of receipts and disbursements to be kept, audited, and published.

ber of the council as the mayor shall name on the first day of March in every year, or in case of extraordinary vacancy within ten days next after such vacancy, for the purpose of being examined and audited, from the first day of September in the year preceding to the first day of March, and from the first day of March to the first day of September in the year in which the said auditors were elected and named, and if the said accounts shall be found to be correct, the auditors shall sign the same; and after such accounts shall have been so examined and audited in the month of September in every year, the treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such borough, and copies thereof shall be delivered to all rate-payers of such borough applying for the same, on payment of a reasonable price for each copy.

Council not to sell lands, or let them for more than 31 years,

XCIV. And be it enacted, that it shall not be lawful for the council of any body corporate, to be elected under this act, to sell, mortgage, or alienate the lands, tenements, or hereditaments of the said body corporate, or any part thereof, except in pursuance of some covenant, contract, or agreement *bonâ fide* made or entered into on or before the fifth day of June in this present year, by or on behalf of the body corporate of any borough, or of some resolution duly entered

in the corporation books of such body corporate on or before the said fifth day of June; or to demise or lease, except in pursuance of some covenant, contract, or agreement *bonâ fide* made or entered into on or before the said fifth day of June by or on behalf of such body corporate, or in pursuance of some resolutions (107) duly entered in the corporation books of such body corporate on or before the said fifth day of June, or except in the cases herein-after mentioned, any lands, tenements, or hereditaments of such body corporate, or any part thereof, or to enter into any new covenant, contract, or agreement (except in the cases herein-after mentioned) for demising (108) or leasing any such lands, tenements, or hereditaments, or any part thereof, for any term exceeding thirty-one years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said council is not hereby restrained from making, there shall (except in the cases herein-after mentioned) be reserved and made payable during the whole of the term thereby granted such clear yearly rent as to the council shall appear reasonable, without taking any fine for the same: Provided nevertheless, that in every case in which such council shall deem it expedient to sell and alienate or to de-

without consent of the Lords of the Treasury.

(107) *Sic.*
(108) "Devising" in some of the printed copies.

mise and lease for a longer term than thirty-one years, or upon different terms and conditions than those herein-before mentioned, any of the said lands, tenements, or hereditaments, it shall be lawful for such council to represent the circumstances of the case to the lords commissioners of his Majesty's Treasury; and it shall be lawful for such council, with the approbation of the said lords commissioners or any three of them, to sell, alienate, and demise any of the lands, tenements, and hereditaments of the said body corporate in such manner and on such terms and conditions as shall have been approved by the said lords commissioners: Provided always, that notice of the intention of the council to make such application as aforesaid, shall be fixed on the outer door of the town-hall, or in some public and conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said lords commissioners shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess at all reasonable hours during the same.

The council may renew leases, in pursuance of covenant, &c.

XCV. Provided always, and be it enacted, that in all cases in which any body corporate shall on the fifth day of June in this present year have been bound or engaged by any covenant or agreement, express or implied, or have

been enjoined by any deed, will, or other document, or have been sanctioned or warranted by ancient usage, or by custom or practice, to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives and years determinable after the lapse of any number of years, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any body corporate shall theretofore have ordinarily made renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the council of such borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such body corporate could or might have done in case this act had not been passed.

Council may lease for 75 years certain

XCVI. Provided nevertheless, and be it enacted, that in any of the instances herein-after

buildings, and ground for building on.

mentioned, it shall be lawful for the council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing, any of the said lands, tenements, or hereditaments, to any person, body politic, corporate, or collegiate, for any term not exceeding seventy-five years from the time of making such lease or agreement; (that is to say,) of tenements or hereditaments the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith, and, where the lessee or intended lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages, or other appurtenances to be used with any other house or other building erected or to be erected on any such ground, belonging either to such body corporate or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

Collusive sales, leases, &c. of corporate property since the 5th June, 1835, for undue consideration,

XCVII. And be it enacted, that it shall be lawful for the council first to be elected in any borough under the provisions of this act to call in question all purchases, sales, leases, and de-

mises not made in pursuance of some such *bonâ fide* covenant, contract, agreement, or resolution made or entered into as aforesaid before the said fifth day of June, and all contracts for the purchase, sale, lease, or demise of any lands, tenements, and hereditaments, and all divisions and appropriations of the monies, goods, and valuable securities, or any part of the real or personal estate, of which on or before the fifth day of June in this present year the body corporate of which they are the council, whether in their own right or as trustees for charitable or other purposes, was seised or possessed, which shall have been made or contracted between the said fifth day of June and the day of the declaration of their election; and for that purpose, if it shall appear to the said council that there is ground for believing that any such purchase, sale, lease, or demise, or such contract, or such division or appropriation of the premises, was collusively made for no consideration, or for an inadequate consideration, it shall be lawful for the council of such borough, at any time within six calendar months next after the first election of councillors under this act shall have been declared in such borough, upon notice of their intention being first given in the London Gazette, and also affixed on the outer door of the town hall or in some public place within the borough, to cause the value of the lands, tenements, hereditaments, and premises

may be set aside.

in question to be inquired of and found by a jury of twelve indifferent men of the county in which, or adjoining to which in the case of Berwick-upon-Tweed and of all counties of cities and towns corporate, such lands, tenements, hereditaments, or premises do lie; and in order thereto the said council is empowered to summon and call before such jury all persons having the custody and possession of any deed or agreement concerning the said lands, tenements, hereditaments, and premises made or entered into since the said fifth day of June, and to cause all such deeds and agreements to be produced before the said jury, and examined by them, and to examine upon oath every person who shall be thought necessary to be examined (which oath the mayor is hereby empowered to administer); and the council shall, by ordering a view or otherwise, use all lawful means for the information as well of themselves as of the said jury in the premises; and the jury shall find the value of the said lands, tenements, hereditaments, and premises, and the consideration which shall have been given, and also that which ought of right to have been given, for the purchase, sale, lease, demise, or appropriation thereof, according to the terms of such purchase, sale, lease, demise, contract, or appropriation, and taking into account all the circumstances under which the same shall have taken place, and if the jury by their oaths shall find that no consideration, or a considera-

tion less than that which they shall have so found to be the value which ought therefore to have been given, shall have been collusively given or contracted to be given, by the terms of any such purchase, sale, lease, demise, contract, or appropriation, the party to such purchase, sale, lease, demise, contract, or appropriation shall have his option either to reconvey and restore the lands, tenements, hereditaments, and premises in question, and to abandon the contract to which he shall have been party, upon receipt in each case of the consideration, if any, which he shall have given for the same, or to give therefore in each case such additional consideration, so that the whole consideration given shall be that which ought of right to have been given, so found by the jury as aforesaid; and in every such case as last aforesaid, the additional consideration given or to be given shall be endorsed on the original deed or conveyance; and unless he shall so do within one calendar month next after the finding of the jury, every such purchase, sale, lease, demise, contract, and conveyance shall be absolutely void and of none effect as against the said body corporate and their successors; and in every case in which any such contract shall have been abandoned as aforesaid, or in which any such purchase, sale, lease, demise, contract, or conveyance shall become void and of none effect, under the provisions of this act, the party who

would otherwise have the benefit of the same shall be remitted to his former estate, title, and interest (if any) in the premises, as if no such contract, purchase, sale, lease, or demise had been made or entered into; and for summoning and returning such juries, and for imposing fines on the sheriff, his deputy, bailiff, or agent, and on the persons summoned and returned on the said jury, and on any person required to give evidence, who shall in this behalf contravene the provisions of this Act, the council of every such borough shall have all the powers given in that behalf to the trustees or commissioners of any turnpike road by an act made in the third year of his late Majesty George the Third, (109) intituled "An Act to amend the general laws now in being for regulating Turnpike Roads in that part of Great Britain called England;" and all the costs of the said jury, and of all witnesses tendered by the said council to be examined before the said jury, shall in every case be borne by the council, and paid out of the borough fund: Provided nevertheless, that it shall be lawful for his Majesty, if he shall think fit, by the advice of his privy council, upon petition to him setting forth the special circumstances under which any purchase, sale, lease, demise, contract, or appropriation of any of the said lands, tenements, hereditaments, and premises shall have been made since the said fifth day of

3 G. 4. c. 126.

Proviso.

(109) So in the roll.

June, to order that the same shall not be called in question under the provisions of this act; and in such case as last aforesaid the same shall not be called in question or set aside or affected under the provisions of this act: Provided always, that in every case in which such petition shall have been presented, it shall be lawful for his Majesty, if he shall think fit, to enlarge the time within which (in case his Majesty shall not think fit to make such order as aforesaid) the council may have power as aforesaid to call in question any purchase, sale, lease, demise, contract, or appropriation referred to in such petition.

His Majesty's commission may be issued for certain persons to act as justices in any of such boroughs.

XCVIII. And be it enacted, that it shall be lawful for his Majesty from time to time to assign to so many persons as he shall think proper, his Majesty's commission to act as justices of the peace in and for each borough, and in and for each of the counties of cities and towns respectively named in the said Schedule (A.), and in and for such of the boroughs in the said Schedule (B.) to which his Majesty may be pleased upon the petition of the council thereof to grant a commission of the peace: (110) Provided nevertheless, that every person so to be assigned, shall reside within the borough for

(110) Besides which, in all boroughs to which a separate court of quarter sessions shall not be granted, the justices of the county, in which such borough is situate, shall have jurisdiction in the borough as fully as they have in the county. *Sect.* 111.

which he shall be so assigned, or within seven miles of such borough, or of some part thereof, during such time as he shall act as a justice of the peace in and for such borough. (111)

The crown may appoint salaried justices, for such boroughs.

XCIX. And be it enacted, that if the council of any borough shall think it requisite that a salaried police magistrate or magistrates be appointed within such borough, such council is hereby empowered to make a bye law fixing the amount of the salary which he or they are to receive in that behalf; and such bye law so made by any council as aforesaid shall be transmitted to one of his Majesty's principal secretaries of state, and it shall be lawful thereupon for his Majesty, if he shall think fit, to appoint one or more fit persons, according to the number fixed in the said bye law (being barristers at law of not less than five years standing), to be during his Majesty's pleasure police magistrate or magistrates and a justice or justices of the peace for such borough, and to direct that such sum shall be paid quarterly out of the borough fund of such borough as will be sufficient to pay such yearly salary to each of the justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such petition, clear of all fees or deductions, as

(111) It is not necessary that the justices thus assigned, should have any qualification by estate, as is required of justices for a county, nor need they be burgesses. *Sect.* 101.

to his Majesty shall seem fit; and the treasurer of such borough shall thereupon pay to each justice so assigned as last aforesaid, out of the borough fund of such borough, the salary so directed to be paid, by four equal quarterly payments, and in the same proportion up to the time of the death of such justice or his ceasing to act under such assignment as aforesaid; provided that in every case of vacancy of the office of police magistrate in any borough aforesaid, no new appointment of police magistrate in such borough shall be made, until the council shall again make application to one of his Majesty's principal secretaries of state in that behalf, and as in the case of the first appointment of a police magistrate in such borough.

Council to provide a police office.

C. And be it enacted, that the council of every borough, to which a separate commission of the peace shall be granted under the provisions of this act, shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "the police office" or "offices" of the borough, for the purpose of transacting the business of the justices of such borough, and to pay from time to time out of the borough fund such sums as may be necessary for providing, upholding, and furnishing, and for the necessary expences of such police office or offices; provided that no room in any house licensed as a victualling house

or alehouse shall be used for the purposes of any such police office.

Justices need not be qualified by estate, nor be burgesses.

CI. And be it enacted, that every person assigned to keep the peace within any borough under the provisions of this act, (112) or any of them, shall, during the continuance of such assignment, execute the duties of a justice of the peace in and for the borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being justices of the peace for a county, provided that such person be not disqualified by law to act as a justice of the peace for any other cause or upon any other account than in respect of estate, and although such person may not be a burgess of the borough in and for which he shall have been assigned to act as a justice of the peace;

Summons or warrant may be executed in the county, &c.

and that every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant, issued by any justice of the peace acting in and for any borough, in any matter within his jurisdiction, may be respectively served and executed within any county in which the said borough shall be situated, or within any distance not exceeding seven miles from such borough, and within such limits as aforesaid, shall have the

(112) See sect. 98.

same force and effect as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter, or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the constable or special constable to whom the same shall be directed: Provided nevertheless, that no such person, by virtue of such assignment, shall act as a justice of the peace at any court of gaol delivery or general or quarter sessions, or in making or levying any county rate, or rate in the nature of a county rate.

Such justices not to sit in courts of gaol delivery, &c.

CII. And be it enacted, that it shall be lawful for the justices of every borough to which a separate commission of the peace shall be granted as aforesaid, at their first or any other meeting, and they are hereby respectively required, to appoint a fit person to be the clerk to the justices of such borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of clerk to the justices by death, resignation, removal, or otherwise; provided that it shall not be lawful for the said justices to appoint or continue as such clerk to the justices any alderman or councillor of such borough, or clerk of the peace of such borough, or the partner of such clerk of the peace, or any

Justices to appoint a clerk, not being the clerk of the peace, or an alderman or councillor;

clerk or person in the employ of such clerk of the peace: Provided also, that it shall not be lawful for the said clerk to the justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery or general or quarter sessions; and any person being an alderman or councillor, or clerk of the peace of any borough, or the partner or clerk or in the employ of such clerk of the peace, who shall act as clerk to the justices of such borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of one hundred pounds, one moiety thereof to the treasurer of such borough, to be paid over to the credit and account of the borough fund of such borough, and the other moiety thereof, with full costs of suit, to any person who will sue for the same in any of his Majesty's courts of record at Westminster.

not to be concerned in the prosecution of offenders committed by the borough justices.

CIII. And be it enacted, that the council of every borough, which shall be desirous that a separate court of quarter sessions of the peace shall be or continue to be holden in and for such borough, shall signify the same by petition to his Majesty in council, setting forth the grounds of the application, the state of the gaol, and the salary which they are willing to pay to the re-

The King upon petition may grant to boroughs a separate court of Quarter Sessions, and appoint a Recorder.

corder in that behalf; and it shall be lawful for his Majesty, if he shall be pleased thereupon to grant that a separate court of quarter sessions of the peace shall be thenceforward holden in and for such borough, to appoint for such borough, or for any two or more of such boroughs conjointly, a fit person, being a barrister at law of not less than five years standing, who shall be and be called the recorder of such borough or boroughs, and shall hold such office during his good behaviour, and upon any vacancy in any such office to appoint another fit person, being a barrister at law of not less than five years standing, to be the recorder in the place of the person so making such vacancy; and the council of every such borough shall appoint a fit person to be clerk of the peace during his good behaviour; and the recorder for the time being of any borough shall be a justice of the peace of and for such borough, although he may not have such qualification by estate as is required by law in the case of any other person being a justice of the peace for a county; and such recorder shall have precedence in all places within the borough of which he may be the recorder next after the mayor thereof; and in such case it shall be lawful for his Majesty to direct that an annual salary, not exceeding the sum stated in the petition of the council, shall be paid to such recorder, by the treasurer of such borough

Council to appoint Clerk of the Peace.

Recorder to be a justice of the peace for the borough;

but not a member of parliament for the borough, alderman, councillor, or police magistrate.

out of the borough fund: Provided always, that no person being such recorder as aforesaid, shall be eligible to serve in Parliament for such borough, nor shall he be an alderman, councillor, or police magistrate of such borough: Provided nevertheless, that nothing in this act contained shall be construed to disqualify any such recorder from being appointed a barrister to revise any list of voters under the provisions of an act passed in the second year of his Majesty, intituled "An Act to amend the Representation of the People in England and Wales," or from being eligible to serve in Parliament, otherwise than is herein-before provided: Provided also, that in every borough in and for which a separate court of general or quarter sessions of the peace is now holden, and of which the present recorder or deputy recorder is a barrister of five years standing, such recorder or deputy recorder, being qualified as aforesaid, shall be continued or appointed recorder under the provisions of this act: Provided also, that in the case of sickness or unavoidable absence, the recorder of any borough shall be empowered, under his hand and seal, with the consent of the council of such borough, to appoint a deputy recorder, being a barrister of five years standing, to act for him at the quarter sessions of the peace then next ensuing, and no longer or otherwise.

2 W. 4. c. 45.

Deputy Recorder.

Recorder and justices to make declaration before acting.

CIV. Provided nevertheless, and be it enacted, that no recorder or person assigned to keep the peace within any such borough, shall be capable of acting as recorder or justice of the peace within such borough, until he shall have taken the oaths provided to be taken by justices of the peace, except the oath as to qualification by estate, and until he shall have made before the mayor or before any two or more of the aldermen or councillors of such borough (who is and are hereby authorized and required to administer the same) a declaration in the following form; (that is to say,)

> "I A.B. do hereby declare, that I will faithfully and impartially execute the office of recorder [*or* justice of the peace] for the borough of ——, according to the best of my judgment and ability."

Sessions of the peace to be held for the borough, of which the recorder to be the sole judge.

CV. And be it enacted, that the recorder of every borough shall hold once in every quarter of a year, or at such other and more frequent times as the said recorder in his discretion may think fit, or as his Majesty shall think fit to direct, a court of quarter sessions of the peace in and for such borough, of which court the recorder of such borough shall sit as the sole judge; and such court of quarter sessions of the peace shall be a court of record, and shall have cognizance of all crimes, offences, and

matters whatsoever cognizable by any court of quarter sessions of the peace for counties in England, and the said recorder shall have power to do all things necessary for exercising such jurisdiction, notwithstanding his being such sole judge, as fully as any such last-mentioned court: Provided nevertheless, that no recorder, by virtue of his office, shall have power to make or levy any county rate, or rate in the nature of a county rate, or to grant any license or authority to any person to keep an inn, alehouse, or victualling house, to sell exciseable liquors by retail, or to exercise any of the powers herein specially vested in the council of such borough.

Recorder not to make or levy county rate, &c.

CVI. And be it enacted, that in the absence of the recorder and deputy recorder, the mayor shall be authorized and required, at the proper times appointed for the holding of such court of quarter sessions of the peace in and for such borough, to open the said court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such mayor then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, that nothing in this act contained shall authorize or require any such mayor to sit as a judge of the said court for the trial of offenders, or to do any other act in the character of a judge of such court, save only in opening and adjourning

Mayor, in the absence of the recorder and deputy recorder, may open and adjourn the court.

the same, and respiting the said recognizances in manner aforesaid.

Capital jurisdictions, and all other criminal jurisdictions in boroughs, other than are specified in this act, abolished.

CVII. And be it enacted, that after the first day of May one thousand eight hundred and thirty-six all powers and jurisdictions to try treasons, capital felonies, and all other criminal jurisdictions whatsoever granted or confirmed by any law, statute, letters patent, grant, or charter whatsoever, to any mayor, bailiff, alderman, recorder, or other corporate or chartered officer, or corporate or chartered justice of the peace whomsoever, in any borough, and all right of any body corporate in any borough, or any of the members thereof, by virtue of any law, statute, letters patent, grant, or charter whatsoever, to elect or nominate any justices to keep the peace in or for any borough, or by(113) any members of any such corporate body to act as such justices of the peace in or for any of the last-named boroughs, other than is herein (114) declared, shall cease: Provided nevertheless, that nothing in this act contained shall be construed to restrain or prevent the holding of any court of gaol delivery or general or quarter sessions of the peace in and for any borough for which such court may now be holden, until the said first day of May, but every such court may be holden in like manner, and with the same powers,

Proviso for quarter sessions, until the 1st May.

(113) *Sic.* (114) By sect. 105.

until the said first day of May, as if this act had not been passed.

Chartered Admiralty jurisdictions abolished.

CVIII. And be it enacted, that from and after the passing of this act, so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent heretofore granted to any borough or body corporate, whereby such borough, or any place within the precincts or liberties of the same, or such body corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the lord high admiral of England, or of the high court of the admiralty of England, or whereby any body corporate, or any mayor, bailiff, recorder, steward, or other chartered or corporate officer of any borough has or claims any thing belonging to the office of admiral, whether or not to be exercised by virtue of any commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this act contained shall extend to alter or affect the jurisdiction and office of the lord warden in his office of admiral of the Cinque Ports: Provided also, that all suits and matters wherein before the passing of this act the rights of any salvors, or any droits or perquisites to the office of admiral belonging, were drawn into question, may be continued,

heard, determined, and adjudicated upon in like manner as if this act had not passed.

Certain exceptions in 38 G. 3. c. 52. repealed.

CIX. And whereas an act was passed in the thirty-eighth year of his late Majesty George the Third, intituled, "An Act to regulate the trial of Causes, Indictments, and other proceedings which arise within the counties of certain cities and towns corporate within this kingdom," but certain cities and counties of cities were excepted out of the operation of the same: And whereas it is expedient to repeal in part the said exceptions; be it therefore enacted, that so much of the last-recited act as provides that nothing therein contained shall extend or be construed to extend to the city or county of the city of Bristol, or the city or county of the city of Chester, or to the criminal jurisdiction of the city of Exeter and county of the same city, shall be and the same is hereby repealed; and that the town of Berwick-upon-Tweed shall be taken to be a county of a town corporate, and to be within all the provisions of the last-recited act; and that after the first day of May, in the year one thousand eight hundred and thirty-six, and until his Majesty shall be pleased to direct a commission of oyer and terminer and gaol delivery to be executed within any county of a city or town corporate, all bills of indictment for offences committed within such county of a ity or town corporate shall be preferred and al l

Berwick-upon-Tweed to be a county of a town.

As to trial of offences committed in counties of cities and towns corporate.

proceedings upon such indictments shall be had as in the last-recited act is authorized to be done, and the counties of the cities and towns corporate named in the first column of the schedule (C.) to this act annexed shall be considered as next adjoining to the county named in conjunction with the same respectively in the second column of the said schedule (C.) (115).

Offenders committed to borough sessions, whose jurisdiction is taken away, to be tried in the adjoining county.

CX. And be it enacted, that after the said first day of May one thousand eight hundred and thirty-six, every person who shall then stand committed to take his trial at any court of gaol delivery, general or quarter sessions of the peace for any borough, charged with any offence which the recorder of such borough after

(115) The latter part of this clause is loosely worded. Where the words "county of a city or town corporate" are above used, "county" must be considered as referring to "town corporate" as well as "city," the recited act and this clause equally extending only to cities and towns corporate, which are counties of themselves. The latter part of this clause, which enacts that all bills of indictment for offences within such cities or towns shall be preferred, and the proceedings thereon had, as in the said recited act is authorized to be done, will be found exceedingly awkward, unless the intended grant of a separate court of quarter sessions, mentioned in sect. 103, contain not only a commission of oyer and terminer, but of gaol delivery also. The recited act merely authorized a prosecutor in such a case to prefer his bill to the grand jury of the next adjoining county, and to proceed to trial upon it there, and which he had the option of doing or not as he pleased; but what was optional in that act, seems to be imperative in this.

The recited act still does not extend to the cities of London or Westminster or borough of Southwark. *See* 38 *G.* 3. *c.* 52. *s.* 10.

the said first day of May will not have jurisdiction to try, may be lawfully removed and committed to the gaol or house of correction of the county in which or adjoining to which such borough is situated, there to remain and take his trial at the next court of quarter sessions for such county, if the offence is cognizable by a court of quarter sessions, and if not, then before the judges of oyer and terminer and gaol delivery at their next circuit; and all persons bound by recognizance to prosecute and give evidence against such offenders, shall be bound to appear to prosecute and give their evidence at the court at which such offenders shall be tried as aforesaid; and all such recognizances and all depositions relating to such charges, shall be transmitted to the proper officer of the court where such offenders shall be tried; and the sheriff, under sheriff, gaolers, and other officers of the county in which such offenders shall be so tried, are hereby authorized and required in every such case to receive every prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the judges of assize and others named in his Majesty's commissions of oyer and terminer and gaol delivery, or the justices for the county, as the case may be, in which such offenders shall be tried, are hereby authorized and required to hear and determine all such cases, and to order the payment of the usual

and fit expences of the prosecutors and witnesses, and all other costs and expences which in like case may be directed to be paid by order of the court.

County justices to have jurisdiction in all boroughs which have not a separate court of quarter sessions of the peace.

CXI. And be it enacted, that after the said first day of May one thousand eight hundred and thirty-six, the justices assigned or hereafter to be assigned to keep the peace in and for the county, in which any borough is situated, to which his Majesty shall not have granted that a separate court of quarter sessions of the peace shall be holden in and for the same, shall exercise the jurisdiction of justices of the peace in and for such borough, as fully as by law they and each of them can or ought to do in and for the said county; and no part of any borough in and for which a separate court of quarter sessions of the peace shall be holden, shall be within the jurisdiction of the justices of any county from which such borough before the passing of this act was exempt, any law, statute, letters patent, charter, grant, or custom to the contrary notwithstanding.

Boroughs having quarter sessions, not to be assessed to county rates.

CXII. And be it enacted, that within ten days after the grant of a separate court of quarter sessions of the peace to any borough, the council of such borough shall send a copy of such grant, sealed with the seal of the borough, to the clerk of the peace of the county in which such bo-

rough or any part thereof is situated; and after the grant of such court to any borough, it shall not be lawful for the justices of the peace of any county wherein such borough or part of such borough is situate to assess any messuages, lands, tenements, or hereditaments within such borough to any county rate thereafter to be made, but every part of every such borough shall thenceforward be wholly free and discharged from contributing, otherwise than is hereinafter provided (116), to any rate or assessment of any kind of and for the county in which any part of such borough is situated: Provided nevertheless, that all arrears of such rates theretofore made may be levied and collected as if this act had not been passed.

Boroughs to pay the expences of prosecutions at the assizes. 7 G. 4. c. 64.

CXIII. And whereas by an act made in the seventh year of his late Majesty George the Fourth, intituled "An Act for improving the Administration of Criminal Justice in England and Wales," it was enacted that all sums directed to be paid by virtue of that act in respect of felonies and misdemeanors therein enumerated, committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, should be paid as therein is directed: be it therefore enacted, that all sums directed to be paid by virtue of

(116) In sect. 114. 117.

the last-recited act in respect of felonies and such misdemeanors as aforesaid, committed or supposed to have been committed in any borough in which a separate court of quarter sessions of the peace shall be holden, shall be paid out of the borough fund of such borough, any thing in the said act contained notwithstanding; and the order of court shall in every such case be directed to the treasurer of such borough instead of the treasurer of the county.

Treasurers of counties to keep an account of expences of prosecution of offenders sent by such boroughs for trial at the assizes, and make order on them for payment thereof.

CXIV. And be it enacted, that the treasurer of every county in England and Wales, shall keep an account of all costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of all offenders, committed for trial to the assizes in such county from any borough in which a separate court of quarter sessions of the peace shall be holden; and the treasurer of every such county shall, not more than twice in every year, send a copy of the said account to the council of each of the said boroughs, and shall make an order for payment of the same on the council of such borough; and the council of every such borough shall forthwith order the same, with all reasonable charges of making and sending such account, to be paid to the treasurer of such county out of the borough fund; and in case any difference shall arise concerning the said account, it shall be decided by the arbitration of a barrister to be

In case of difference respecting such account the same to be referred to

named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of an act made in the fifth year of his late Majesty King George the Fourth, intituled "An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales:" Provided that nothing herein contained shall be construed to alter or restrain the powers given by the last-mentioned act of contracting with the justices of the peace, having authority or jurisdiction in and over any gaol or house of correction of the county wherein or where such borough is situated or whereto it is adjacent, for the conveyance, support, and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such borough, save only that all such powers shall after the first day of May one thousand eight hundred and thirty-six be vested in the council of such borough in the name of the body corporate whose council they are, and in none other; and for the purpose of making such contracts as aforesaid, the council of such borough, and none other, shall have power to make the orders required by the said last-mentioned act to be made by the justices of the borough at the borough sessions.

arbitration, as provided in 5 G. 4. c. 85.

Proviso.

Council may contract for committing prisoners to the gaol of another borough, if sufficient;

CXV. And be it enacted, that in every case in which it shall have been made to appear to the satisfaction of one of his Majesty's principal secretaries of state, that there is in any borough a gaol or house of correction fit for the confinement of prisoners, the council of any borough shall have the same powers of contracting, in the name of the body corporate whose council they are, with any person or body corporate having the government or ordering of such last-mentioned gaol or house of correction, in like manner as is herein-before enacted concerning contracts with justices of the peace having authority or jurisdiction in and over county gaols and houses of correction; and all the provisions of the last-recited act made in the fifth year of his late Majesty shall extend, or as nearly as may be, to all such contracts for the conveyance to and support and maintenance of offenders in such borough gaol or house of correction; and in case his Majesty shall have granted to the borough in which such gaol or house of correction shall be situated a separate court of quarter sessions of the peace, such offenders may be tried and sentenced by such court for all offences of which the court has cognizance, and punished accordingly; and all the provisions of the last-recited act made in the fifth year of his late Majesty shall extend as nearly as may be to the trial and punishment of such offenders, and to all acts necessary for such trial or consequent thereon.

and the prisoners may be tried at the sessions there.

CXVI. And whereas by an act passed in the fourth year of his late Majesty George the Fourth, intituled, "An Act for Consolidating and Amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales," it was provided, that certain cities, towns, and places included in a certain schedule (A.) to the said act annexed should be taken to be within the provisions of the same: And whereas by an act passed in the fifth year of his late Majesty George the Fourth, intituled "An Act for amending an Act of the last session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the state of all other Gaols and Houses of Correction in England and Wales," so much of the last-recited act as related to the cities of Canterbury, Lichfield, and Lincoln was repealed: be it therefore enacted, that the council of every borough named in the last-mentioned schedule (A.) (except the cities of Canterbury, Lichfield, and Lincoln) shall have within their borough all the powers (except in hearing and determining appeals against convictions) which any justice of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of the said last-recited acts or either of them, or as near thereto as the nature of the case will admit;

Council of certain boroughs to have the same powers under the gaol acts, as justices of the peace have at their sessions in counties.

and all things in the said last-recited acts or either of them provided to be done at any general or quarter sessions of the peace shall be done at some quarterly meeting of the council of such borough.

Boroughs to pay a proportion of the other county expenditure.

CXVII. And be it enacted, that the treasurer of every county in England and Wales shall keep an account of all sums of money received in aid or on account of the county rate, and of the sum of money expended out of the county rate for other purposes than the costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of offenders committed for trial in such county, and in the case of boroughs having a separate court of quarter sessions of the peace other than out of coroners inquests, and shall, not more than twice in every year, send a copy of the said account to the council of every borough situate within such county in which a separate court of quarter sessions of the peace shall be holden, and which before the passing of the said act, intituled "An Act to settle and describe the divisions of counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the election of Members to serve in Parliament," was chargeable with or liable to contribute in whole or in part to the county rate of such county, and shall make an order on the council of every such borough for the payment of such proportion

2 & 3 W. 4. c. 64.

of such sum as would have been chargeable, after deducting all sums of money received in aid of the county rate as aforesaid, if this act had not passed, upon such borough as the same shall be bounded according to the provisions of this act; and the council of such borough shall forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the treasurer of such county out of the borough fund; provided that in case any difference shall arise concerning the last-mentioned account, it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of the said act made in the fifth year of his late Majesty King George the Fourth, intituled "An Act for amending an Act of the last session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the state of all other Gaols and Houses of Correction in England and Wales."(117) 5 G. 4. c. 85.

In borough courts of record, who to be judge;

CXVIII. And be it enacted, that in every borough in which by charter or custom there is or ought to be holden a court of record for the trial of civil actions, not regulated by the provisions of any local act of parliament, or in which,

(117) See sect. 114, *ante*.

at the time of the passing of this act, a barrister of five years standing shall not act as judge or assessor, the recorder, or in the absence of the recorder, or in case there shall not be a recorder, such officer of the borough as by the charter constituting such court or by custom shall be the judge of such court, shall continue to be and act as such judge; and the council of such borough in every case, whether such court be regulated by the provisions of a local act of parliament or otherwise, shall have power for that purpose to appoint the necessary officer, other than the recorder, before whom such court is to be holden; and every such judge or assessor, other than the mayor, shall hold his office during his good behaviour; and the judge of every such court shall hold the said court at such times and places, and with such rules of practice, and with the same powers and jurisdiction as belonged to the said court at the time of passing this act: Provided always, that in every case in which such court had not before the passing of this act authority to try such actions as are herein-after next mentioned, any such court in which a barrister of five years standing shall act as judge or assessor shall have authority to try actions of assumpsit, covenant, and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall

when and where to be holden:

of what actions to have cognizance;

not exceed twenty pounds, and all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed twenty pounds, and upon which no fine shall have been reserved or made payable: Provided also, that every such judge respectively from time to time may make rules for regulating the practice of such court over which he presides, but so that no such rules shall be of force until they shall have been allowed and confirmed by three or more judges of the superior courts of common law at Westminster: Provided also, that the jurisdiction of every court of record for the trial of civil actions within any borough, shall be extended so far as the metes and bounds of every such borough, as the same shall be and be declared under the provisions of this act: Provided also, that no action shall be tried by any such judge, wherein the title to land, whether freehold, copyhold, or leasehold, or other tenure whatsoever, or to any tithe, toll, market, fair, or other franchise shall be in question, in any court which before the passing of this act had not authority to try actions in which such titles as last aforesaid were in question; and in case it shall appear in the course of any action in such court as last aforesaid, or shall be made to appear upon oath to such court as last aforesaid, that any such title as last aforesaid is in question in such action, that then the jurisdic-

rules of practice;

extent of jurisdiction:

what actions they shall not try.

tion of such court as last aforesaid in the matter of such action shall cease, and it shall be in the discretion of the court to award costs against the party commencing the same.

Council to appoint registrar and other necessary officers of the court.

CXIX. And be it enacted, that the council of every borough in which there shall be holden a court of record for the trial of civil actions as aforesaid, shall appoint a registrar of such court, except in boroughs where the town-clerk acts as such registrar, and such other officers and servants as are necessary for carrying on the business and executing the process of such court; provided that no registrar or other officer of such court shall, by himself or any partner, or by his or their clerks, practise as an attorney in such court, nor shall any such partner or clerk act as agent for any other attorney in such court: Provided also, that, unless disqualified as herein provided, every attorney of his Majesty's superior courts at Westminster shall have full liberty to practise as an attorney in every such court.

Who may practise as attornies in such courts.

Existing suits not to abate by reason of the change of jurisdiction.

CXX. And be it enacted, that no suit commenced in any court of record in any borough before the first day of May one thousand eight hundred and thirty-six, shall abate by reason of any change that shall have been made in the constitution of such court by the provisions of this act, but that the same may continue and

be heard and determined as if it had been commenced before such judge. (118)

Who to be jurors.

CXXI. And be it enacted, that every person, being a burgess of any borough wherein there shall be a separate court of sessions of the peace, or a court of record for the trial of civil actions, (unless he shall be exempt or disqualified otherwise than in respect of property from serving on juries by virtue of an Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for Consolidating and Amending the Laws relative to Jurors and Juries,)" shall be qualified and liable to serve on grand juries in such borough, and also upon juries for the trial of all issues joined in any court of quarter sessions of the peace, and in any court of record for the trial of civil actions triable within the borough of which such person shall be a burgess; and the clerk of the peace of every such borough shall give public notice of the time and place of holding every such quarter sessions of the peace, ten days at the least before the holding thereof, and shall, seven days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid, to serve as grand jurors at such sessions; and the clerk of the peace and registrar of the court of record respectively shall also cause to be summoned not less than thirty-six nor more

6 G. 4. c. 50.

Summoning of jurors, &c.

(118) So in the roll.

than sixty persons so qualified and liable as aforesaid to serve as jurors at every such sessions, and at the holding of every such court of record for the trial of causes, in case there shall be any cause then to be tried; and such summons shall be made by showing to the person to be summoned, or in case he shall be absent from the usual place of his abode by leaving with some person therein inhabiting, notice under the hand of such clerk of the peace or registrar respectively containing the substance of such summons; and such clerk of the peace shall make out a list of the names of such persons so summoned as grand jurors, and the clerk of the peace and registrar respectively shall also make out a panel of such persons so summoned other than grand jurors, and such list and panel shall respectively contain therein the christian names and surnames, places of abode, and descriptions of the several persons therein named; and if any person, having been duly summoned to attend on any jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the court, the court shall impose such fine upon every person so making default (unless some reasonable excuse shall be proved to the satisfaction of the court) as the court shall think meet; and if any person on whom such fine shall be imposed shall refuse to

Fine on Jurors for non-attendance.

pay the same to the person who shall be authorized by the court to receive the same, it shall be lawful for the court, then or at its next sitting, by order of the court, signed by the clerk of the peace or registrar respectively, to cause to be levied, by distress and sale of the goods of the person on whom such fine shall have been imposed, every such fine, and the reasonable charges of such distress and sale; and every fine so received shall be paid to the treasurer of the borough, to be by him carried to the account of the borough fund hereinbefore mentioned: Provided nevertheless, that no person shall be summoned to serve as a juror at such sessions or court of record oftener than once in one year.

Members of the council, &c. exempt from serving on juries; burgesses of boroughs which have quarter sessions, exempt from juries of county quarter sessions.

CXXII. And be it enacted, that after the passing of this act every member of the council for the time being of every borough, and every justice assigned to keep the peace therein, and the treasurer and town-clerk for the time being of every such borough, shall be exempt and disqualified from serving on any jury summoned within such borough respectively, and exempt from serving on any jury summoned to serve in the county wherein such borough is situate; and all burgesses of every borough, in and for which a separate court of quarter sessions of the peace shall be holden, shall be exempt from serving on any jury summoned for the trial of

issues joined in any court of general or quarter sessions of the peace in the county wherein such borough is situate.

All chartered exemptions from serving on juries abolished.

CXXIII. And be it enacted, that after the passing of this act, no person in any borough shall continue to be exempt from serving on juries in any of the King's courts of record at Westminster, or in the superior courts, civil or criminal, of the counties Palatine of Lancaster and Durham, or in any court of assize, nisi prius, oyer and terminer, gaol delivery, or sessions of the peace, or in any other of the King's courts, by virtue of any writ, grant, charter, prescription, or otherwise; and so much of an act made in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act for Consolidating and Amending the Laws relative to jurors," as provides that all persons in any borough exempt from serving upon juries in any of the courts aforesaid, by virtue of any prescription, charter, grant, or writ, shall continue to have and enjoy such exemption in as ample a manner as before the passing of that act, and shall not be inserted in the lists thereafter mentioned, shall be and the same is hereby repealed.

6 G. 4. c. 50. in part repealed.

Fees payable to the clerk of the peace, clerk to the magistrates,

CXXIV. And be it enacted, that the council of every borough shall, and they are hereby required, within six calendar months next after

their election, to make and settle a table of the fees which shall be taken by the clerk of the peace in those boroughs in which a separate court of quarter sessions of the peace shall be holden; and in those boroughs to which a commission of the peace shall have been granted, a table of the fees to be taken by the clerk to the justices; and in those boroughs in which there shall be a court of record, a table of the fees to be taken by the registrar and officers of such court; and such tables of fees shall be submitted to one of his Majesty's principal secretaries of state; and when such tables of fees shall be confirmed and allowed by such secretary of state, either as such table shall have been submitted to him, or with such alterations, additions, or abatements as he shall think proper, the fees therein mentioned may thenceforth be lawfully taken by the person therein named to be entitled thereunto; and it shall be lawful for the council of such borough, from time to time, as occasion may require, to make new tables of fees to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new table shall be confirmed and allowed in the manner herein-before mentioned, otherwise the same shall be of no validity; and that until tables of the fees so to be taken in any such borough shall have been made and confirmed as aforesaid it shall be lawful for such clerk of the peace at the quarter sessions for any such bo-

and registrar and officers of the court of record.

rough, and such clerk to the justices, to take the fees authorized by the table for the time being to be taken by the clerk of the peace at the quarter sessions and clerk to the justices respectively for the county within or adjoining to which such borough is situated, and for the registrar and officers of such court of record to take the fees usually taken by them before the passing of this act.

Table of fees to be hung up.

CXXV. And be it enacted, that the town clerk of every borough shall cause a true copy of the tables of fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also in the room wherein the justices of the peace of such borough shall sit for transacting their business, and also in the room wherein the court of quarter sessions of the peace for the borough shall be held, and also in the court of record of the said borough.

What penalties, under convictions, to go to the borough fund.

CXXVI. And be it enacted, that when by any act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner before any justice or justices of the peace, and by such act respectively the same are or shall be limited and made payable to his Majesty, or to any body corporate, or to any person whomsoever, save and except the informer, who shall sue for the same, or any party

aggrieved: in every such case, the same, if recovered and adjudged before any justice of any borough in which a separate court of quarter sessions of the peace shall be holden as aforesaid, shall, notwithstanding any thing in such act respectively contained, be recovered for and adjudged to be paid to the treasurer of such borough for the time being, to the credit and on account of the borough fund of such borough; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said treasurer, unless such person be the informer or the party aggrieved: Provided always, that nothing herein contained shall extend to any penalties or forfeitures recovered under any act relating to the customs, excise, and post office, or to trade or navigation, or any branch of his Majesty's revenue.

Limitation of prosecution;

CXXVII. And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this act, be it enacted, that the prosecution for every such offence shall be commenced within three calendar months after the commission of the offence, and not otherwise; and that where any person shall be charged on the oath of a credible witness with any such offence before a justice of the peace, the justice may summon the party charged to appear before any two justices of the peace acting in and for

summons;

the borough in which such offence shall have been committed, at a time and place to be named in such summons; and if such party shall not appear accordingly, the justices of the peace then and there present (upon proof of the due service of the summons, by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

hearing *ex parte* or warrant.

Power to summon witnesses;

CXXVIII. And be it enacted, that it shall be lawful for any justice of the peace acting in and for any borough, to issue his summons requiring any person to appear before any such justices of the peace, for the purpose of giving evidence touching any offence against this act;

penalty for disobedience of summons, or refusing to answer;

and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the justices of the peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justices then and there present, every person so offending shall, on conviction thereof before the said justices, or

any other justices of the peace, forfeit and pay such sum of money not exceeding five pounds as to the convicting justices shall seem meet; and no person, although liable to the rate contributing to the borough fund of any borough, shall be deemed an incompetent witness in proof of any offence against this act, by reason of any penalty or forfeiture for such offence being applicable to the use of such borough fund; and no justice of the peace shall be disabled from acting in the execution of this act, by reason of his being liable to the rate contributing to the borough fund of any borough.

witness not incompetent, on the ground of rateability.

Justices may act, though rateable.

CXXIX. And be it enacted, that the justices of the peace, by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act, may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and for want of sufficient distress, such offender shall be imprisoned, with or without hard labour, in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month where the sum to be paid shall

Payment of penalties;

may be levied by distress;

or offender imprisoned.

not exceed five pounds, and for any term not exceeding two calendar months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

Form of conviction.

CXXX. And be it enacted, that the justices of the peace, before whom any person shall be summarily convicted of any offence against this act, may cause the conviction to be drawn up in the following form of words, or in any other words to the like effect, as the case may require; (that is to say,)

"—— } Be it remembered, that on the
"to wit, } —— day of —— in the year of "our Lord ——, in the borough of ——, in the "county of ——, A. O. is convicted before us, "J. P. and J. J. P., two of his Majesty's jus- "tices of the peace for the said county (119) "[*or* borough, *or otherwise, as the case may be*], "for that the said A. O. did [*here specify the "offence, and the time and place when and "where the same was committed, as the case "may be*]; and we do adjudge that the said "A. O. shall for the said offence forfeit the sum "of ——, and shall pay the same immediately "[*or* shall pay the same on or before the —— "day of ——] to —— the treasurer for the said "borough, to be by him applied according to "the directions of the statute in that case

(119) See sect. 111, *ante*.

" made and provided. Given under our hands " the day and year first above mentioned."

CXXXI. And be it enacted, that any person who shall think himself aggrieved by any summary conviction in pursuance of this act, may appeal to the next court of general or quarter sessions of the peace to be holden not less than twelve days after such conviction for the county or for the borough wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with a sufficient surety, before a justice of the peace, within such three days, or at any time during his custody, on giving to the complainant three days notice in writing of his intention so to do, and of the name, description, and place of abode of his proposed surety, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given and such recognizance entered into the justice before whom the same shall be entered into shall liberate such person if in custody;

Appeal;

notice thereof;

recognizance;

costs. and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No certiorari, &c. CXXXII. And be it enacted, that no conviction, order, warrant, or other matter, made or purporting to be made by virtue of this act, shall be quashed for want of form, or be removed by certiorari or otherwise into any of his Majesty's courts of record at Westminster; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of

As to informality in warrants, &c.

any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

CXXXIII. And for the protection of persons acting in the execution of this act, be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as be-

Actions against persons acting under this act; venue; limitation; notice of action; plea; tender of amends, &c.; costs.

tween attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

Jurisdiction of the cinque ports preserved.

CXXXIV. And be it enacted, that the courts of quarter sessions of the peace of the towns and ports of Hastings, Sandwich, Dovor, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace, shall have jurisdiction over offences and matters committed, arising, and happening as well within the boundaries of such towns and ports and ancient town respectively as within the ancient members and liberties not being corporate of the same respectively, and also within the towns named in the schedule to this act which are ancient corporate members and liberties of the said towns and ports and ancient town respectively, and to which his Majesty shall not grant a separate court of quarter sessions of the peace; and also any or either of the said towns and ports of Hastings, Sandwich, Dovor, and Hythe, and ancient town of Rye, to which his Majesty shall not grant a separate court of quarter sessions of the peace, and their or its members and liberties, shall for all purposes relating to the jurisdiction of courts of quarter sessions of the peace be respectively within the jurisdiction of the courts of quarter

sessions of the peace of the nearest other of the said towns and ports or ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace; and the recorders, clerks of the peace, and coroners of the said towns and ports and ancient town respectively, or of such of them to which his Majesty shall grant a separate court of quarter sessions of the peace respectively, shall and may have and exercise the same jurisdiction, powers, and authorities within all places within or subject to the jurisdiction of such courts respectively, as within the said ancient towns and ports and ancient town respectively of which they are or may be appointed recorders, clerks of the peace, or coroners.

Jurisdiction of the cinque ports further preserved.

CXXXV. And be it enacted, that the justices of the peace of the towns and ports of Hastings, Sandwich, Dovor, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town as shall have justices of the peace assigned to them by virtue of this act, shall and may have and exercise the same jurisdiction, powers, and authorities over offences and matters committed, arising, and happening within the ancient members and liberties not being corporate of such towns and ports and ancient town respectively, as such justices shall and may have and exercise within the towns and ports and ancient town for which they are

or may be respectively justices of the peace; and also his Majesty's justices of the peace, acting under the authority of a commission or commissions, issued by virtue of an act passed in the fifty-first year of the reign of his late 51 G. 3. c. 36. Majesty King George the Third, intituled "An Act to facilitate the Execution of Justice within the Cinque Ports," shall and may have and exercise all the jurisdiction, powers, and authorities given to such justices by such act of parliament, as well within the members and liberties not being corporate of the said towns and ports and ancient town respectively, as within the said towns named in the schedules to this act being corporate members and liberties thereof, or any of them, or any of the said towns and ports and ancient town which shall not have justices of the peace assigned to them by virtue of this act: Provided always, that nothing herein contained shall affect the liability of all inhabitant householders within any of the members and liberties of the cinque ports and ancient towns thereof, not being corporate, to serve on juries at quarter sessions as heretofore.

Proviso as to juries in the cinque ports liberties.

Act not to affect the grammar school at Louth.

CXXXVI. Provided always, and be it enacted, that nothing contained in this act shall alter or affect certain letters patent bearing date in the fifth year of the reign of his Majesty King Edward the Sixth, founding a free grammar school at Louth, in the county of Lincoln, and creating

a body corporate for the management and regulation thereof, and for the benefit of twelve poor persons mentioned in the said letters patent, by the name of the "Warden and Six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth;" but that the said warden and assistants shall continue and be a body corporate with perpetual succession under the provisions of the said letters patent, for the management and regulation of the said school and the purposes aforesaid only, and shall remain and be seized of and entitled to all lands, tolls, tenements, and hereditaments now vested in them for the purposes therein mentioned, in the same manner to all intents and purposes as if this act had not been passed.

Saving of the rights of the Universities of Oxford and Cambridge.

CXXXVII. And be it enacted, that nothing in this act contained shall be construed to alter or affect the rights or privileges, duties or liabilities, of the chancellor, masters, and scholars of the universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of the said universities or otherwise, or to entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge, by reason of his occupation of any rooms, chambers, or premises in any of the colleges or halls of the universities of Oxford or Cambridge, or either of them, or to compel any resident member of either of the

said universities to accept any office in or under the body corporate of the mayor and citizens of the city of Oxford, or of the mayor and burgesses of the borough of Cambridge, or to authorize the levy of any rate within the precincts of the said universities, or of any of the colleges or halls of the same, which now by law cannot be levied therein.

Not to affect jurisdiction over precincts of cathedrals, nor rights of University of Durham.

CXXXVIII. And be it enacted, that all the jurisdictions and authorities now exercised in and over the precinct or close of any cathedral shall be continued, as if this act had not been passed, concurrently with the jurisdiction and authority of the justices of the peace of the borough within which such close is situated; and that nothing herein contained shall affect or interfere with the rights and privileges granted by charter or act of Parliament to the University of Durham.

Corporations seised in their corporate capacity of advowsons, shall sell the same;

CXXXIX. And be it enacted, that in every case in which any body corporate, or any particular class, number, or description of members, or the governing body of any body corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this act, (120) seised or possessed of any manors, lands, tenements,

(120) See sect. 71—74, *ante*.

or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment; every such advowson and every such right of nomination and presentation shall be sold at such time and in such manner as the commissioners appointed by his Majesty to consider the state of the established church in England and Wales with reference to ecclesiastical duties and revenues may direct, so that the best price may be obtained for the same; and it shall be lawful for the council of such body corporate, and they are hereby authorized and required, with the consent of the said commissioners or any three or more of them, in writing under their hands, to convey and assure under the common seal of such body corporate such advowson or such right of nomination or presentation as aforesaid to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators, and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the treasurer of the borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money, and shall be by him invested in govern-

proceeds to be invested in government securities, and the interest carried to borough fund.

ment securities for the use of the body corporate, and the annual interest payable thereon shall be carried to the account of the borough fund: Provided always, that in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the bishop or ordinary of the diocese in which such benefice or ecclesiastical preferment is situated.

Periods connected with first registration and election may be deferred by order in council.

CXL. And whereas it may happen that the several provisions of this act cannot be carried into effect within the several periods in the present year herein-before specified and limited in that behalf; be it therefore enacted, that it shall be lawful for his Majesty, if he shall think fit, by the advice of his privy council, to order (121) any days and times before the first day of February next for doing the several matters required or authorised by this act to be done, in lieu of the several days and times for the present year herein-before specified, or any of them; and in such case all matters mentioned in such order shall be done on and within such days and times as shall be mentioned respectively in that behalf in such order, as if the days and times mentioned in such order had in every instance been mentioned in this act instead of the days and times herein-before re-

(121) Two such Orders in Council have accordingly been made, which will be found in the Appendix.

spectively mentioned in that behalf, and not otherwise: Provided always, that nothing herein contained shall authorize his Majesty to appoint any days or times, other than are herein-before specified, for any matters required or authorized by this act to be done, after the expiration of this present year: Provided also, that no person shall be entitled to be enrolled in the burgess roll of any borough in this present year, unless he would have been entitled on the last day of August in this year to have his name included in some overseer's list, if such list had been made out on the fifth day of September in this year.

The king may grant charters of incorporation to other towns, upon petition, and extend the provisions of this act to them.

CXLI. And whereas sundry towns and boroughs of England and Wales are not towns corporate, and it is expedient that several of them should be incorporated; be it enacted, that if the inhabitant householders of any town or borough in England and Wales shall petition his Majesty to grant to them a charter of incorporation, it shall be lawful for his Majesty, by any such charter, if he shall think fit by advice of his privy council to grant the same, to extend to the inhabitants of any such town or borough, within the district to be set forth in such charter, the powers and provisions in this act contained: Provided nevertheless, that notice of every such petition, and of the time when it shall please his Majesty to order that the same be taken into consideration by his privy council, shall be published by royal proclamation in the London

Proviso.

Gazette one month at least before such petition shall be so considered.

Interpretation clause.

CXLII. And be it enacted, that in the construction of this act, the word "*borough*" shall be construed to mean city, borough, port, cinque port, or town corporate, named in one of the said schedules (A.) and (B.); and the words "*body corporate*" shall be construed to mean body corporate named in one of the said schedules (A.) and (B.); and the word "*burgess*" shall be construed to mean citizen in the case of a city; and the word "*county*" shall be construed to mean county, riding, parts, liberty, or division; and the word "*trustees*" shall be construed to mean trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, by whatever name they are designated; and the word "*parish*" shall be construed to mean parish, township, vill, hamlet, chapelry, tithing, district, precinct, or place maintaining its own poor; and the words "*overseers of the poor*" shall be construed to mean all persons who execute the duties of overseers of the poor; and that in all things herein-before provided to be done, until the first election of councillors in any borough under this act shall have been declared, the word "*mayor*" shall be construed to mean the chief officer of a borough, by whatever name he is now called: and in describing any person or

thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person, body corporate, or place named in any schedule to this act annexed, or in any roll, list, notice, or voting paper required by this act, shall hinder the full operation of this act with respect to such person, body corporate, or place, provided that the description of such person, body corporate, or place be such as to be commonly understood.

Act may be altered this session.

CXLIII. And be it enacted, that this act may be altered or amended by any act to be passed in this present session of Parliament.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A).

ENGLAND AND WALES.

BOROUGHS WHICH ARE TO HAVE A COMMISSION OF THE PEACE.

SECTION I.—PARLIAMENTARY BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Aberystwith . . .	0	4	12	Mayor and burgesses of the town, borough, and liberty of Aberystwith.
Abingdon	0	4	12	Mayor, bailiffs, and burgesses of the borough of Abingdon.
Barnstaple	2	6	18	Mayor, aldermen, and burgesses of the borough and parish of Barnstaple in the county of Devon,
Bath	7	14	42	Mayor, aldermen, and citizens of the city of Bath.
Bedford	2	6	18	Mayor, bailiffs, and burgesses of the town of Bedford.
Berwick-upon-Tweed .	3	6	18	Mayor, bailiffs, and burgesses of the borough of Berwick-upon-Tweed.
Bridgewater	2	6	18	Mayor, aldermen, and burgesses of the borough of Bridgewater.
Bridport	2	6	18	Bailiffs and burgesses of the borough of Bridport.
Bristol	10	16	48	Mayor, burgesses, and commonalty of the city of Bristol.

Bury St. Edmonds . .	3	6	18	Aldermen and burgesses of Bury St. Edmunds in the county of Suffolk.
Cambridge	5	10	30	Mayor, bailiffs, and burgesses of the borough of Cambridge.
Canterbury	3	6	18	Mayor and commonalty of the city of Canterbury.
Cardiff	2	6	18	Bailiffs, aldermen, and burgesses of the town of Cardiff.
Carlisle	5	10	30	Mayor, aldermen, bailiffs, and citizens of the city of Carlisle.
Carmarthen	3	6	18	Mayor, burgesses, and commonalty of the borough of Carmarthen.
Carnarvon	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Caernarvon.
Chester	5	10	30	Mayor and citizens of the city of Chester.
Chichester	2	6	18	Mayor, aldermen, and citizens of the city of Chichester.
Colchester	3	6	18	Mayor and commonalty of the borough of Colchester.
Dartmouth	0	4	12	Mayor, bailiffs, and burgesses of the borough of Clifton Dartmouth Hardness in the county of Devon.
Denbigh	0	4	12	Aldermen, bailiffs, and burgesses of the borough of Denbigh.
Derby	6	12	36	Mayor, aldermen, and burgesses of the borough of Derby.
Devizes	2	6	18	Mayor and burgesses of the borough of Devizes.
Dorchester	0	4	12	Mayor, bailiffs, aldermen, and burgesses of the borough of Dorchester in the county of Dorset.
Dovor	3	6	18	Mayor, jurats, and commonalty of the town and port of Dovor.
Durham	3	6	18	Mayor, aldermen, and commonalty of the city of Durham and Framwelgate.
Evesham	0	4	12	Mayor, aldermen, and burgesses of the borough of Evesham.
Gateshead	3	6	18	Boroughholders and freemen of the borough of Gateshead.
Gloucester	3	6	18	Mayor and burgesses of the city of Gloucester in the county of the city of Gloucester.
Guildford	0	4	12	Mayor and burgesses of the town of Guldeford in the county of Surrey.
Harwich	0	4	12	Mayor and burgesses of the borough of Harwich.
Haverfordwest . . .	0	4	12	Mayor, sheriffs, bailiffs, and burgesses of the county of the town of Haverfordwest, or of the town and county of the town of Haverfordwest.
Hereford	3	6	18	Mayor, aldermen, and citizens of the city of Hereford.
Hertford	0	4	12	Mayor, aldermen, and commonalty of the borough of Hertford.
Ipswich	5	10	30	Bailiffs, burgesses, and commonalty of the town or borough of Ipswich.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Kendal	3	6	18	Mayor, aldermen, and burgesses of the borough of Kirby-in-Kendal in the county of Westmorland.
Kidderminster	3	6	18	High bailiff and commonalty of the borough of Kidderminster in the county of Worcester.
Kingston-upon-Hull	7	14	42	Mayor and burgesses of the town or borough of Kingston-upon-Hull.
King's Lynn	3	6	18	Mayor and burgesses of the borough of Lynn Regis.
Leeds	12	16	48	Mayor, aldermen, and burgesses of the borough of Leeds in the county of York.
Leicester	7	14	42	Mayor, bailiff, and burgesses of the borough of Leicester.
Leominster	0	4	12	Bailiffs and burgesses of the borough of Leominster.
Lichfield	2	6	18	Bailiff and citizens of the city of Lichfield.
Liverpool	16	16	48	Mayor, bailiffs, and burgesses of the borough of Liverpool.
Macclesfield	6	12	36	Mayor, aldermen, and burgesses of the borough of Macclesfield.
Monmouth	0	4	12	Mayor, bailiffs, and commonalty of the town and borough of Monmouth.
Neath	0	4	12	Portreeve, aldermen, and burgesses of the borough of Neath.
Newark	3	6	18	Mayor and aldermen of the borough of Newark in the county of Nottingham.
Newcastle-under-Lyne	2	6	18	Mayor, bailiffs, and burgesses of Newcastle-under-Lyne in the county of Stafford.
Newcastle-upon-Tyne	7	14	42	Mayor and burgesses of the town of Newcastle-upon-Tyne in the county of the town of Newcastle-upon-Tyne.
Newport, Monmouth	2	6	18	Mayor, aldermen, and burgesses of the borough of Newport.
Newport (Isle of Wight)	2	6	18	Mayor, aldermen, and chief burgesses of the borough of Newport in the Isle of Wight in the county of Southampton.
Northampton	3	6	18	Mayor, bailiffs, and burgesses of Northampton.
Norwich	8	16	48	Mayor, sheriffs, citizens, and commonalty of the city of Norwich.
Nottingham	7	14	42	Mayor and burgesses of the town of Nottingham.

Oxford	5	10	30	Mayor, bailiffs, and commonalty of the city of Oxford in the county of Oxford.
Pembroke	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Pembroke.
Poole	2	6	18	Mayor, bailiffs, burgesses, and commonalty of the town of Poole.
Portsmouth	7	14	42	Mayor, aldermen, and burgesses of the borough of Portsmouth in the county of Southampton.
Preston	6	12	36	Mayor, bailiffs, and burgesses of the borough of Preston in the county palatine of Lancaster.
Reading	3	6	18	Mayor, aldermen, and burgesses of the borough of Reading in the county of Berks.
Ripon	0	4	12	Mayor, burgesses, and commonalty of the borough of Ripon in the county of York.
Rochester	3	6	18	Mayor and citizens of the city of Rochester in the county of Kent.
St. Albans	0	4	12	Mayor and aldermen and burgesses of the borough of Saint Albans in the county of Hertford.
Sarum, New	3	6	18	Mayor and commonalty of the city of New Sarum in the county of Wilts.
Scarborough	2	6	18	Bailiffs and burgesses of the town of Scarborough.
Shrewsbury	5	10	30	Mayor, aldermen, and burgesses of the town of Shrewsbury in the county of Salop.
Southampton	5	10	30	Mayor, bailiffs, and burgesses of the town of Southampton.
Stafford	2	6	18	Mayor, aldermen, and burgesses of the borough of Stafford.
Stamford	2	6	18	Mayor, aldermen, and capital burgesses of the town or borough of Stamford in the county of Lincoln.
Stockport	7	14	42	Mayor, aldermen, and burgesses of the borough of Stockport.
Sudbury	0	4	12	Mayor, aldermen, and burgesses of the borough of Sudbury.
Sunderland	7	14	42	Mayor, aldermen, and commonalty of the borough of Sunderland.
Swansea	3	6	18	Portreeve, aldermen, and burgesses of the borough of Swansea.
Tiverton	3	6	18	Mayor and burgesses of the town and parish of Tiverton in the county of Devon.
Truro	2	6	18	Mayor, aldermen, and capital burgesses of the borough of Truro.
Warwick	2	6	18	Mayor, aldermen, and burgesses of the borough of Warwick.
Wells	0	4	12	Mayor, masters, and burgesses of the city or borough of Wells in the county of Somerset.
Weymouth and Melcombe Regis	2	6	18	Mayor, aldermen, bailiffs, burgesses, and commonalty of the borough and town of Weymouth and Melcombe Regis in the county of Dorset.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Wigan	5	10	30	Mayor, aldermen, and burgesses of the borough of Wigan.
Winchester	3	6	18	Mayor, bailiffs, and commonalty of the city of Winchester.
Windsor	2	6	18	Mayor, bailiffs, and burgesses of the borough of New Windsor in the county of Berks.
Worcester	6	12	36	Mayor, aldermen, and citizens of the city of Worcester.
Yarmouth, Great	6	12	36	Mayor, aldermen, burgesses, and commonalty of the borough of Great Yarmouth in the county of Norfolk.

SECTION 2.—MUNICIPAL BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Andevor	0	4	12	Bailiff, approved men, and burgesses of the borough of Andevor.
Banbury	0	4	12	Mayor, aldermen, and burgesses of the borough of Banbury in the county of Oxford.
Beverley	2	6	18	Mayor, aldermen, and burgesses of the borough of Beverley in the county of York.
Bewdley	0	4	12	Bailiffs, burgesses, and inhabitants of the town and borough of Bewdley.
Bideford	0	4	12	Mayor, aldermen, and capital burgesses of the borough, town, and manor of Bideford in the county of Devon.
Boston	3	6	18	Mayor, aldermen, and burgesses of the borough of Boston.
Brecon	0	4	12	Bailiff, aldermen, and burgesses of the borough of Brecon.
Bridgenorth	0	4	12	Bailiffs, aldermen, and burgesses of the borough of Bridgnorth.
Clitheroe	0	4	12	Bailiffs and burgesses of the borough of Clitheroe in the county of Lancaster.
Chesterfield	0	4	12	Mayor, aldermen, and burgesses of the borough of Chesterfield.

Congleton	3	6	18	Mayor, aldermen, and burgesses of the borough of Congleton in the county of Chester.
Coventry	6	12	36	Mayor, bailiffs, and commonalty of the city of Coventry.
Deal	2	6	18	Mayor, jurats, and commonalty of the town of Deal in the county of Kent.
Doncaster	3	6	18	Mayor, aldermen, and burgesses of the borough of Doncaster in the county of York.
Exeter	6	12	36	Mayor, bailiffs, and commonalty of the city of Exeter.
Falmouth	0	4	12	Mayor, aldermen, and burgesses of the town of Falmouth in the county of Cornwall.
Grantham	0	4	12	Aldermen and burgesses of the town or borough of Grantham.
Gravesend	2	6	18	Mayor, jurats, and inhabitants of the villages and parishes of Gravesend and Melton in the county of Kent.
Grimsby	0	4	12	Mayor and burgesses of the town of Grimsby in the county of Lincoln.
Hastings	3	6	18	Mayor, jurats, and commonalty of the town and port of Hastings in the county of Sussex.
Kingston-upon-Thames	3	6	18	Bailiffs and freemen of the borough of Kingston-upon-Thames.
Lancaster	3	6	18	Mayor, bailiffs, and commonalty of the town of Lancaster in the county Palatine of Lancaster.
Lincoln	3	6	18	Mayor, sheriffs, citizens, and commonalty of the city of Lincoln.
Liskeard	0	4	12	Mayor and burgesses of the borough of Liskerret, otherwise Liskeard, in the county of Cornwall.
Louth	2	6	18	Warden and six assistants of the town of Louth and Free School of King Edward the Sixth in Louth.
Ludlow	0	4	12	Bailiffs, burgesses, and commonalty of the town and borough of Ludlow.
Maidstone	3	6	18	Mayor, jurats, and commonalty of the King's town and parish of Maidstone in the county of Kent.
Maldon	0	4	12	Mayor, aldermen, and capital burgesses and commonalty of Maldon.
Newbury	0	4	12	Mayor, aldermen, and burgesses of the borough of Newbury.
Oswestry	2	6	18	Mayor, aldermen, common councilmen, and burgesses of Oswestry.
Penzance	2	6	18	Mayor, aldermen, and commonalty of the town of Penzance in the county of Cornwall.
Plymouth	6	12	36	Mayor and commonalty of the borough of Plymouth.
Pontefract	0	4	12	Mayor, aldermen, and burgesses of the borough or town of Pontefract.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Richmond	0	4	12	Mayor and aldermen of the borough of Richmond in the county of York.
Romsey	0	4	12	Mayor, aldermen, and burgesses of the town of Romsey Infra in the county of Southampton.
St. Ives	0	4	12	Mayor and burgesses of the borough of St. Ives.
Saffron Walden	0	4	12	Mayor and aldermen of the town of Saffron Walden in the county of Essex.
Stockton	2	6	18	Mayor, aldermen, burgesses, and commonalty of the borough of Stockton.
Tewkesbury	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Tewkesbury in the county of Gloucester.
Walsall	3	6	18	Mayor and commonalty of the borough and foreign of Walsall in the county of Stafford.
Welchpool	0	4	12	Bailiffs and burgesses of the borough of Poole in the county of Montgomery.
Wenlock	3	6	18	Burgesses of the borough of Wenlock.
Wisbech	2	6	18	Burgesses of the borough of Wisbech.
York	6	12	36	Mayor and commonalty of the city of York.

SCHEDULE (B).

ENGLAND AND WALES.

BOROUGHS WHICH ARE NOT TO HAVE A COMMISSION OF THE PEACE, UNLESS ON PETITION AND GRANT.

SECTION 1.—PARLIAMENTARY BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel	0	4	12	Mayor and burgesses of the borough of Arundel.
Beaumaris	0	4	12	Mayor, bailiff, and burgesses of the borough of Beaumaris.
Cardigan	0	4	12	Mayor, common council, and burgesses of the town and borough of Cardigan.
Llanidloes	0	4	12	Mayor and burgesses of the borough of Llanidloes.
Pwllheli	0	4	12	Mayor, bailiffs, and burgesses of the borough of Pwllheli.
Ruthin	0	4	12	Aldermen and burgesses of the borough of Ruthin.
Tenby	0	4	12	Mayor, bailiffs, and burgesses of the borough of Tenby.
Thetford	0	4	12	Mayor and burgesses of the borough of Thetford.
Totnes	0	4	12	Mayor and burgesses of the borough of Totnes in the county of Devon.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Richmond	0	4	12	Mayor and aldermen of the borough of Richmond in the county of York.
Romsey	0	4	12	Mayor, aldermen, and burgesses of the town of Romsey Infra in the county of Southampton.
St. Ives	0	4	12	Mayor and burgesses of the borough of St. Ives.
Saffron Walden . . .	0	4	12	Mayor and aldermen of the town of Saffron Walden in the county of Essex.
Stockton	2	6	18	Mayor, aldermen, burgesses, and commonalty of the borough of Stockton.
Tewkesbury	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Tewkesbury in the county of Gloucester.
Walsall	3	6	18	Mayor and commonalty of the borough and foreign of Walsall in the county of Stafford.
Welchpool	0	4	12	Bailiffs and burgesses of the borough of Poole in the county of Montgomery.
Wenlock	3	6	18	Burgesses of the borough of Wenlock.
Wisbech	2	6	18	Burgesses of the borough of Wisbech.
York	6	12	36	Mayor and commonalty of the city of York.

SCHEDULE (B).

ENGLAND AND WALES.

BOROUGHS WHICH ARE NOT TO HAVE A COMMISSION OF THE PEACE, UNLESS ON PETITION AND GRANT.

SECTION 1.—PARLIAMENTARY BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel	0	4	12	Mayor and burgesses of the borough of Arundel.
Beaumaris	0	4	12	Mayor, bailiff, and burgesses of the borough of Beaumaris.
Cardigan	0	4	12	Mayor, common council, and burgesses of the town and borough of Cardigan.
Llanidloes	0	4	12	Mayor and burgesses of the borough of Llanidloes.
Pwllheli	0	4	12	Mayor, bailiffs, and burgesses of the borough of Pwllheli.
Ruthin	0	4	12	Aldermen and burgesses of the borough of Ruthin.
Tenby	0	4	12	Mayor, bailiffs, and burgesses of the borough of Tenby.
Thetford	0	4	12	Mayor and burgesses of the borough of Thetford.
Totnes	0	4	12	Mayor and burgesses of the borough of Totnes in the county of Devon.

SECTION 2.—MUNICIPAL BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Basingstoke	0	4	12	Mayor, aldermen, and burgesses of the town of Basingstoke in the county of Southampton.
Beccles	0	4	12	Portreeve, surveyors, and commonalty of the fen of Beccles in the county of Suffolk.
Blandford Forum . .	0	4	12	Bailiff and burgesses of the borough of Blandford Forum in the county of Dorset.
Bodmin	0	4	12	Mayor and burgesses of the borough of Bodmin in the county of Cornwall.
Buckingham	0	4	12	Bailiff and burgesses of the borough and parish of Buckingham in the county of Buckingham.
Calne	0	4	12	Guild stewards and burgesses in the borough of Calne.
Chard	0	4	12	Portreeve and burgesses of the borough of Chard in the county of Somerset.
Chippenham . . .	0	4	12	Bailiffs and burgesses of the borough of Chippenham in the county of Wilts.
Chipping Norton . .	0	4	12	Bailiffs and burgesses of the borough of Chipping Norton in the county of Oxford.
Daventry	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Daventry in the county of Northampton.
Droitwich	0	4	12	Bailiffs and burgesses of the borough of Wych, otherwise Droitwich, in the county of Worcester.
Eye	0	4	12	Bailiff, burgesses, and commonalty of the town and burgh of Eye.
Faversham	0	4	12	Mayor, jurats, and commonalty of the town of Faversham.
Folkestone	0	4	12	Mayor, jurats, and commonalty of the town of Folkestone.
Flint	0	4	12	Mayor, bailiffs, and burgesses of the borough of Flint.
Glastonbury	0	4	12	Mayor and burgesses of the town of Glastonbury in the county of Somerset.
Godalming	0	4	12	Warden and inhabitants of the town of Godalming.
Godmanchester . . .	0	4	12	Bailiffs, assistants, and commonalty of the borough of Cirencester, alias Godmanchester.

Helstone	0	4	12	Mayor and commonalty of the borough of Helston.
Huntingdon	0	4	12	Mayor, aldermen, and burgesses of the borough of Huntingdon.
Hythe	0	4	12	Mayor, jurats, and commonalty of the town and port of Hythe in the county of Kent.
Launceston	0	4	12	Mayor and commonalty of the borough of Dunneheved, otherwise Launceston.
Llandovery	0	4	12	Bailiff and burgesses of the borough of Llanymtheverye.
Lyme Regis	0	4	12	Mayor and burgesses of the borough of Lyme in the county of Dorset.
Lymington	0	4	12	Mayor and burgesses of the borough of Lymington.
Maidenhead	0	4	12	Mayor, bridgemasters, and burgesses of the town of Maydenheth.
Marlborough . . .	0	4	12	Mayor and burgesses of the borough and town of Marlborough in the county of Wilts.
Morpeth	0	4	12	Bailiffs and burgesses of the borough of Morpeth in the county of Northumberland.
Penryn	0	4	12	Mayor and burgesses of Penryn in the county of Cornwall.
Retford, East . . .	0	4	12	Bailiffs and burgesses of East Retford in the county of Nottingham.
Rye	0	4	12	Mayor, jurats, and commonalty of the ancient town of Rye.
Sandwich	0	4	12	Mayor, jurats, and commonalty of the town and port of Sandwich in the county of Kent.
Shaftesbury	0	4	12	Mayor and burgesses of the borough of Shafton, otherwise Shaftesbury, in the county of Dorset.
South Wold	0	4	12	Bailiffs, aldermen, and burgesses of the borough of South Wold.
South Molton . . .	0	4	12	Mayor and burgesses of the borough and parish of South Molton in the county of Devon.
Stratford-on-Avon . .	0	4	12	Mayor, aldermen, and burgesses of the borough of Stratford-upon-Avon.
Tamworth	3	4	12	Bailiffs and commonalty of the borough of Tamworth.
Tenterden	0	4	22	Mayor, jurats, and commons of the town and hundred of Tenterden in the county of Kent.
Torrington	0	4	12	Mayor, aldermen, and burgesses of the borough and town of Great Torrington in the county of Devon.
Wallingford	0	4	12	Mayor, burgesses, and commonalty of the borough of Wallingford.
Wycombe, Chepping .	0	4	12	Mayor, bailiffs, and burgesses of the borough of Chipping Wycombe, otherwise Wicombe, in the county of Buckingham.

SCHEDULE (C.)

Berwick upon-Tweed.	Northumberland.
Bristol.	Gloucestershire.
Chester.	Cheshire.
Exeter.	Devonshire.
Kingston-upon-Hull.	Yorkshire.
Newcastle-upon-Tyne.	Northumberland.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the borough of ——— in the parish [or township] of ———.

Christian name and surname of each person at full length.	Nature of the property rated.	Street, lane, or other place in this parish [or township] where the property is situated or which he is now rated.
Ashton, John	Shop . . .	No. 23, Church Street.
Bates, Thomas . . .	House . . .	. . . Brook's Farm.

(Signed) *A. B.* } Overseers of the said parish
C. D. } [*or* township.]

No. 2.

NOTICE OF CLAIM.

To the town clerk of the borough of ———.

I HEREBY give you notice, that I claim to have my name inserted in the burgess list of the borough of ———, that I occupy [*here describe the house, warehouse, counting-house, or shop then occupied by the claimant*] in the borough, and that I have been rated in the parish of ———, [*here state the parish or several parishes, and the time during which the claimant has been rated in each of them within the borough, necessary for his qualification.*]

Dated the ——— day of ——— in the year ———.

(Signed) JOHN ALLEN, of [*place of abode.*]

No. 3.

NOTICE OF OBJECTION.

To the town clerk of the borough of ——— [*or to the person objected to, as the case may be.*]

I hereby give you notice, that I object to the name of Thomas Bates, of Brook's Farm, in the parish of ——— [*describe the person objected to as described in the burgess list*] being retained on the burgess list of the borough of ———

Dated the ——— day of ——— in the year ———

(Signed) JOHN ASHTON, of [*here state the place of abode and property for which he is said to be rated in the burgess list.*]

No. 4.

LIST OF CLAIMANTS.

The following persons claim to have their names inserted on the burgess list of the borough of ———.

Christian name and surname of each claimant.	Nature of the property for which he is now rated.	Situation of the property for which he is now rated.	Parish (or parishes) in which he has been rated, as stated in the claim.
Allen, John . . .	House . .	No. 17, High-street.	Rated in the last year in St. Mary's parish, in the borough, and in the two preceding years in St. James's parish in the borough.

(Signed) *A. B.* Town Clerk.

No. 5.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the burgess list of the borough of ——.

Christian name and surname of each person objected to.	Nature of the property for which he is now rated.	Situation of the property for which he is said to be now rated in the overseer's list.	Parish in which is the property for which he is now said to be rated in the overseer's list.
Bates, Thomas	House.	Brook's Farm	Saint James's.

(Signed) *A. B.* Town Clerk.

SCHEDULE (E). (*a*)

ABINGDON.
An Act for better paving, lighting, watching, and otherwise improving the town of Abingdon in the county of Berks. for removing nuisances, annoyances, and encroachments therein, and for preventing the same in future.
[6 Geo. 4. c. 189.]

ARUNDEL.
An Act for the better paving, cleansing, and lighting the streets, lanes, ways, and passages within the borough of Arundel in the county of Sussex, and for removing and preventing encroachments, obstructions, and annoyances therein. [25 Geo. 3. c. 90.]

BANBURY.
An Act for paving, cleansing, lighting, watching, and otherwise improving the several streets, lanes, public passages and places in the borough of Banbury in the county of Oxford.
[5 Geo. 4. c. 130.]

BARNSTAPLE.
An Act for paving, improving, and regulating the streets and public places in the borough and parish of Barnstaple, and for better regulation of the present markets, and providing others therein. [51 Geo. 3. c. 164.]

BASINGSTOKE.
An Act for paving the footways and crosspaths, and lighting, watching, cleansing, widening, and otherwise improving the streets, lanes, and other public passages and places in the town of Basingstoke in the county of Southampton.
[55 Geo. 3. c. 7.]

BATH.
An Act for paving, cleansing, lighting, watching, and regulating the streets, squares, lanes, ways, passages, and public places within such part of the parish of Walcot in the county of Somerset as is not within the circuit, precinct, and jurisdiction of the city of Bath in the same county; and for removing and preventing nuisances, annoyances, encroachments, and obstructions, and for establishing a proper and effective police

(*a*) See sect. 84.

therein; and for licensing and regulating hackney coaches, chairs, porters, basket men, and basket women within the said city of Bath, and a certain distance thereof.
[33 Geo. 3. c. 89.]

An Act for paving, steaning, cleansing, watering, lighting, watching, and regulating the streets, squares, lanes, ways, passages, and public places within the parish of Bathwick in the county of Somerset, and for removing and preventing nuisances, annoyances, encroachments, and obstructions, and for establishing a proper and effective police therein.
[41 Geo. 3. c. 126.]

An Act for better paving, cleansing, lighting, watching, regulating, and improving the city of Bath, and the liberties and precincts thereof. [54 Geo. 3. c. 105.]

An act to amend an act of his late Majesty, for paving, cleansing, lighting, watching, and regulating the streets and public places within such part of the parish of Walcot in the county of Somerset as is not within the city of Bath.
[6 Geo. 4. c. 74.]

Beccles.

An Act for paving, lighting, cleansing, and otherwise improving the streets and other public passages and places within the town of Beccles in the county of Suffolk.
[36 Geo. 3. c. 51.]

Bedford.

An Act for the improvement of the town of Bedford in the county of Bedford, and for rebuilding the bridge over the river Ouze in the said town. [43 Geo. 3. c. 128.]

An Act for amending and enlarging the powers of an Act of his present Majesty, intituled "An Act for the improvement of the town of Bedford in the county of Bedford, and for rebuilding the bridge over the river Ouze in the said town."
[50 Geo. 3. c. 82.]

Berwick-upon-Tweed.

An Act for lighting the streets and lanes of the borough of Berwick-upon-Tweed, and the quays and wharfs belonging to the said borough, and that part of the bridge over the river Tweed which lies within the liberties of the said borough, and also the street of Castlegate within the said borough or the liberties thereof; and for paving the footpaths of the streets of the said borough and of Castlegate aforesaid; and for preventing obstructions, nuisances, and annoyances therein.
[40 Geo. 3. c. 25.]

Beverley.

An Act for lighting, watching, and regulating the streets and lanes and other public passages and places in the town of Beverley in the county of York.
[48 Geo. 3. c. 87.]

An Act to amend and enlarge the powers of an Act passed in the forty-eighth year of the reign of his late Majesty King George the Third, for lighting, watching, and regulating the

streets, lanes, and other public passages and places within the town of Beverley in the county of York.
[6 Geo. 4. c. 138.]

BOSTON.

An Act for lighting and watching the streets, lanes, and other public passages and places within the borough of Boston in the county of Lincoln, and for removing and preventing nuisances, annoyances, and obstructions therein.
[16 Geo. 3. c. 25.]

An Act for the better paving, cleansing, and otherwise improving the borough of Boston in the county of Lincoln.
[32 Geo. 3. c. 80.

An Act for amending and rendering more effectual an Act passed in the thirty-second year of his present Majesty, for better paving, cleansing, and otherwise improving the borough of Boston in the county of Lincoln. [46 Geo. 3. c. 40.]

An Act for amending and rendering more effectual an Act passed in the sixteenth year of his present Majesty, for lighting and watching the streets, lanes, and other public passages and places within the borough of Boston in the county of Lincoln, and for removing and preventing nuisances therein.
[46 Geo. 3. c. 41.]

BRECKNOCK.

An Act for supplying the borough and town of Brecknock, and liberties thereof, with water; and for paving, cleansing, regulating, and lighting the streets, lanes, and public passages there; and for widening and making commodious some of the said streets, lanes, and passages. [16 Geo. 3. c. 56.]

BRIDGEWATER.

An Act to enlarge the market house and regulating the markets within the borough of Bridgewater in the county of Somerset; for paving, cleansing, lighting, and watching the streets, lanes, and other public passages and places within the said borough or adjacent thereto; and for the improvement thereof.
[7 Geo. 4. c. 7.]

BRIDPORT.

An Act for taking down the market house in the borough of Bridport in the county of Dorset, and rebuilding the same, together with a session or court house, in a more convenient situation; for removing the shambles or butchers' row; for paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the borough with thatch. [25 Geo. 3.]

BRISTOL.

An Act for the better preserving the navigation of the rivers Avon and Frome, and for cleansing, paving, and lighting the streets of the city of Bristol. [11 Will. 3. c. 23.]

An Act for making more effectual an Act passed in the eleventh and twelfth years of the reign of King William the Third, for the better preserving the navigation of the rivers Avon and

Frome, and for cleansing, paving, and enlightening the streets of the city of Bristol, so far as the same Act relates to the paving and enlightening the said streets; and for the regulating hackney coachmen, halliers, draymen, and carters, and the markets and sellers of hay and straw, within the said city and liberties thereof. [22 Geo. 2.]

An Act for establishing, maintaining, and well-governing a nightly watch within the city of Bristol. [28 Geo. 2. c. 32.]

An Act to explain and render more effectual an Act made in the last session of parliament, intituled "An Act for establishing, maintaining, and well-governing a nightly watch within the city of Bristol." [29 Geo. 2. c. 47.]

An Act for widening several streets, lanes, ways, and passages within the city of Bristol, and for opening several new streets and passages within the same; and for explaining, amending, and enlarging the powers of the several Acts passed for paving, cleansing, lighting, watching, and regulating the streets and other places within the said city and liberties thereof. [6 Geo. 3. c. 34.]

An Act for removing and preventing encroachments, obstructions, annoyances, and other nuisances within the city of Bristol and the liberties thereof; and for licensing and better regulating hackney coaches, chairs, waggons, carts, and other carriages, and the owners, drivers, and carriers thereof respectively, and porters and other persons, within and for certain distances round the said city and liberties; and for better regulating the shipping and trade, and the rivers, wharfs, backs, and quays, and the markets, within the same city and liberties; and for other purposes. [23 Geo. 3. c. 65.]

An Act for amending, altering, and enlarging the powers of several acts passed for paving, pitching, cleansing, and lighting the streets and other places within the city of Bristol and liberties thereof. [46 Geo. 3. c. 26.]

An Act for the employment, maintenance, and regulation of the poor of the city of Bristol, and for altering the mode of assessing the rates for the relief of the poor, and certain rates authorized to be raised and levied within the said city by certain acts for improving the harbour there, and for paving, pitching, cleansing, and lighting the same city; and for the relief of the churchwardens and overseers from the collecting of such rates; and for amending the Act for paving, pitching, cleansing, and lighting the said city. [3 Geo. 4. c. 24.]

An Act for repairing, lighting, and watching the district of the united parishes of Saint James and Saint Paul in the county of Gloucester, and for the care of the poor thereof. [2 Geo. 4. c. 89.]

An Act for lighting and watching the parish of Clifton in the county of Gloucester. [5 Geo. 4. c. 79.]

BURY SAINT EDMUND'S.

An Act for better paving, lighting, cleansing, watching, and otherwise improving the town of Bury Saint Edmund's in the county of Suffolk. [51 Geo. 3. c. 9.]

An Act to amend, extend, and render more effectual an Act of His late Majesty, for paving, lighting, cleansing, watching, and otherwise improving the town of Bury Saint Edmund's in the county of Suffolk. [1 Geo. 4.]

CAMBRIDGE.

An Act for better paving, cleansing, and lighting the town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within the said town. [28 Geo. 3. c. 64.]

An Act to amend and enlarge the powers of an Act passed in the twenty-eighth year of the reign of His present Majesty, intituled "An Act for the better paving, cleansing, and lighting the town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within the said town." [34 Geo. 3. c. 104.]

CANTERBURY.

An Act for paving, cleansing, lighting, and watching the streets, lanes, and other public passages and places within the walls of the city of Canterbury and the liberties thereof, and also several streets and other places near or adjoining to the said city; and for removing and preventing encroachments, obstructions, nuisances, and annoyances therein. [27 Geo. 3. c. 31.]

CARDIFF.

An Act for better paving, cleansing, and lighting the streets, lanes, and public passages in the town of Cardiff, and liberties thereof, in the county of Glamorgan, and for removing and preventing nuisances and annoyances therein. [Geo. 3. c. 7.]

CARLISLE.

An Act for lighting the streets, lanes, and other public passages and places within the city of Carlisle in the county of Cumberland, and the suburbs of the said city; for paving the footpaths of the streets of the said city and suburbs; and for otherwise improving the said city. [44 Geo. 3. c. 58.]

An Act for watching, regulating, and improving the city of Carlisle and the suburbs thereof. [7 & 8 Geo. 4. c. 86.]

CHESTER.

An Act for better regulating the poor, maintaining a nightly watch, lighting, paving, and cleansing the streets, rows, and passages, providing fire engines and firemen, and regulating the hackney coachmen, chairmen, carmen, and porters, within the city of Chester. [2 Geo. 3.]

An Act to amend, alter, and enlarge the powers of an Act passed in the second year of the reign of His present Majesty, so far as the same relates to maintaining a nightly

watch, and lighting and cleansing the streets, rows, and passages, within the city of Chester, and for preventing nuisances and annoyances in the streets, rows, and passages within the said city, and for regulating and improving the police thereof. [43 Geo. 3. c. 47.]

CHICHESTER.

An Act for repealing an Act made in the eighteenth year of the reign of Queen Elizabeth, intituled "An Act for paving of the city of Chichester;" and for the better paving, repairing, and cleansing the streets, lanes, and public ways and passages within the walls of the said city, and for removing and preventing encroachments, obstructions, and annoyances therein. [31 Geo. 3. c. 63.]

An Act for better lighting and for watching the city of Chichester and places adjacent. [1 & 2 Geo. 4. c. 68.]

CHEPPING WYCOMBE.

An Act for paving, widening, cleansing, watching, lighting, and regulating the streets and other public places within the borough of Chepping-Wycombe in the county of Bucks, and for removing and preventing nuisances and obstructions therein. [53 Geo. 3. c. 164.]

CHIPPENHAM.

An Act for lighting, watching, cleansing, paving, and otherwise improving the town of Chippenham in the county of Wilts. [4 Will. 4. c. 47.]

COVENTRY.

An Act for the better paving, cleansing, lighting and watching the city of Coventry and the suburbs thereof, and removing and preventing nuisances and annoyances therein, and for regulating the public wells and pumps within the said city and suburbs. [30 Geo. 3. c. 77.]

DARTMOUTH.

An Act for building a market house in the borough of Clifton Dartmouth Hardness in the county of Devon, and for better paving, lighting, widening, and improving the streets and other public places within the said borough. [55 Geo. 3. c. 28.]

DAVENTRY.

An Act for paving, cleansing, lighting, and watching the town of Daventry in the county of Northampton, and for regulating the market there, and for enabling the bailiff, burgesses, and commonalty of the borough of Daventry to purchase the Moot-Hall, and to rebuild the same. [46 Geo. 3. c. 118.]

DEAL—

An Act for more effectually paving, cleansing, lighting, and watching, the highways, streets, and lanes within the town and borough of Deal in the county of Kent, and for removing and preventing encroachments, nuisances, and annoyances therein. [52 Geo. 3. c. 73.]

DERBY.

An Act for paving, cleansing, lighting, and otherwise improving

the streets, lanes, and other public passages and places within the borough of Derby, and for selling a certain piece of waste ground situate within the said borough, called Nun's Green, towards defraying the expence of the said improvements. [32 Geo. 3. c. 78.]

An Act for better paving and otherwise improving the borough of Derby. [6 Geo. 4. c. 132]

DEVIZES.

An Act for amending, regulating, cleansing, lighting, watching, and keeping in repair the streets, lanes, and passages within the borough of The Devizes in the county of Wilts, and for preventing nuisances, annoyances, and obstructions therein. [21 Geo. 3. c. 36.]

An Act for paving, lighting, cleansing, watching, and improving the borough of Devizes in the county of Wilts, and for removing and preventing nuisances and annoyances therein. [6 Geo. 4. c. 162.

DONCASTER.

An Act for repealing so much of an Act passed in the fourth year of the reign of his present Majesty as relates to the lighting the streets and places within the borough and soke of Doncaster in the county of York; and for more effectually lighting, watching, and otherwise improving the said borough, and for preventing nuisances therein. [43 Geo. 3. c. 147.]

DORCHESTER.

An Act for better cleansing, lighting, and watching the streets, lanes, and other public passages within the borough of Dorchester in the county of Dorset, and in the tithing of Colliton-row in the town of Dorchester aforesaid; for paving the footways and repairing certain horseways of such parts thereof as are turnpike, and for paving the footways and repairing the horseways of such parts thereof as are not turnpike; for removing nuisances, annoyances, and obstructions therein; and for preventing houses or buildings hereafter to be erected in the said borough and tithing from being thatched. [16 Geo. 3. c. 27.]

An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the streets and other public passages and places within the borough of Dorchester in the county of Dorset and the tithing of Colliton-row in the town of Dorchester aforesaid. [4 Will. 4. 22 May.]

DOVOR.

An Act for better paving, cleansing, lighting, and watching the streets and lanes in the town of Dover in the county of Kent, and in the several parishes of Saint Mary the Virgin and Saint James the Apostle in the said town and county; and for removing and preventing nuisances and annoyances therein. [18 Geo. 3. c. 76.]

An Act to amend an Act made in the eighteenth year of his present Majesty, for paving, cleansing, lighting, and watching the town of Dover, and for removing and preventing nuisances and annoyances therein. [50 Geo. 3. c. 26.]

An Act to amend two Acts of his late Majesty, for paving, cleansing, lighting, and watching the town of Dovor, and for removing and preventing nuisances and annoyances therein. [11 Geo. 4. c. 117.]

DURHAM.

An Act for paving, cleansing, lighting, watching, and regulating the streets, lanes, ways, and public passages and places within the city of Durham and borough of Framwelgate, and the suburbs thereof, and the streets thereto adjoining; for removing and preventing nuisances, annoyances, encroachments, and obstructions therein; for widening and rendering more commodious several of the said streets, lanes, ways, and public passages and places, and for regulating and improving the markets, within the said city and suburbs. [39 Geo. 3. c. 67.]

EVESHAM.

An Act for paving, cleansing, lighting, watching, regulating, and improving the borough of Evesham in the county of Worcester; for repairing, improving, and maintaining the bridge over the river Avon within the said borough; and for selling certain waste lands within the said borough, and for appropriating the monies arising from such sales towards the purposes therein mentioned. [3 Geo. 4. c. 67.]

EXETER.

An Act for enlightening the streets within the city of Exeter and suburbs thereof. [1 Geo. 3.]

An Act for better repairing the streets, lanes, and passages within the city of Exeter and county of the said city; and for amending an Act passed in the first year of his present majesty, intituled, "An Act for enlightening the streets within the city of Exeter, and suburbs thereof;" and for the better regulating of the watch within the said city and county, and for otherwise improving the same. [46 Geo. 3. c. 39.]

An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the streets, ways, and other public passages and places in the city and county of the city of Exeter. [50 Geo. 3. c. 146.]

An Act for better paving, lighting, watching, cleansing and otherwise improving the city of Exeter and county of the same city. [2 & 3 Will. 4. c. 106.]

FAVERSHAM.

An Act for the better paving, repairing, cleansing, lighting, and watching the highways, streets, lanes, and other public passages and places within the town and liberty of Faversham in the county of Kent, and also certain places near or adjoining thereto; and for removing and preventing encroachments, obstructions, nuisances, and annoyances therein. [29 Geo. 3. c. 69.]

FOLKESTONE.

An Act for paving, repairing, and cleansing the highways, streets, and lanes in the town of Folkestone, and liberty

thereof, in the county of Kent, and for removing and preventing nuisances and annoyances therein.
[36 Geo. 3. c. 49.]

GATESHEAD.

An Act for cleansing, lighting, and otherwise improving certain streets and places within and near the town and borough of Gateshead in the county of Durham.
[54 Geo. 3. c. 109.]

GLASTONBURY.

An Act for paving and improving the streets and other public passages and places in the parishes of Saint John the Baptist and Saint Benedict in the town of Glastonbury in the county of Somerset. [51 Geo. 3. c. 173.]

GLOUCESTER.

An Act for the more effectual relief and employment of the poor within the city of Gloucester, and for lighting the streets of the said city. [4 Geo. 3.]

An Act for rebuilding the bridge over the river Severn at Maisemore, near the city of Gloucester; for raising, widening, and securing Over's Causeway leading from the said city towards Maisemore aforesaid; and for enforcing the proper paving and cleansing of the several streets within the said city, and for removing nuisances and annoyances therefrom, and preventing the like in future. [17 Geo. 3. c. 68.]

An Act for erecting a new gaol, and for removing certain Gateways, in the city of Gloucester, and for amending the several Acts passed for the maintenance and support of the poor of the said city, and for lighting, paving, and regulating the streets there. [21 Geo. 3. c. 74.]

An Act for establishing a proper place for holding markets and fairs for the sale of live stock in the city of Gloucester, and the suburbs thereof, and for opening convenient avenues thereto, and for watching and otherwise improving the said city.
[1 & 2 Geo. 4. c. 22.]

An Act to provide for lighting the suburbs of the city of Gloucester with gas. [4 Will. 4. c. 44.]

GODALMING.

An Act for paving, lighting, watching, and otherwise improving the town of Godalming in the county of Surry.
[6 Geo. 4. c. 177.]

GRAVESEND.

An Act for paving, cleansing, and lighting the High Street, East Street, and West Street in the town and parishes of Gravesend and Milton, in the county of Kent, and for lighting the other streets; and for removing all encroachments and annoyances within the said town and parishes. [13 Geo. 3. c. 15.]

An Act for altering and enlarging the powers of an Act of the thirteenth year of his present Majesty, for improving the town and parishes of Gravesend and Milton in the county of Kent; and for the better assessment and collection of the poor rates and other rates within the parish of Gravesend.
[56 Geo. 3. c. 77.]

An Act for paving, cleansing, lighting, watching, and improving the town and parishes of Gravesend and Milton in the county of Kent, and for removing and preventing nuisances, and annoyances therein. [3 Geo. 4. c. 51.]

GUILDFORD.

An Act establishing, regulating, and maintaining a nightly watch, and for enlightening the open places and streets, within the town of Guildford in the county of Surrey. [32 Geo. 2.]

An Act for paving, cleansing, and otherwise improving the town of Guildford in the county of Surrey. [52 Geo. 3. c. 51.]

HARWICH.

An Act for paving, cleansing, lighting, and watching the town of Harwich in the county of Essex, and supplying the same with water. [59 Geo. 3. c. 118.]

HASTINGS.

An Act for better paving, lighting, watching, and otherwise improving the town of Saint Leonard in the county of Sussex. [2 Will. 4. c. 45.]

An Act for paving, lighting, watching, cleansing and improving the town and port of Hastings in the county of Sussex, and for establishing and regulating markets therein, and supplying the inhabitants thereof with water, and for other purposes. [2 Will. 4. c. 91.]

HEREFORD.

An Act for paving, repairing, cleansing, and lighting the streets and lanes in the city of Hereford and suburbs thereof, and removing nuisances and annoyances therein, and for creating a fund towards the expenses thereof, by inclosing divers waste grounds within the liberties of the said city; and for the better application of charity money; for setting the poor people of the said city to work; and to enable bodies corporate to alienate their houses and lands within the said city. [14 Geo. 3. c. 38.]

An Act to enlarge, amend, and render more effectual the provisions of an Act of his present Majesty, for paving and lighting the city of Hereford, and removing nuisances therein; and for enabling the corporation of the said city to sell and apply the produce of certain messuages and lands in establishing market places and otherwise improving the said city. [56 Geo. 3. c. 23.]

HERTFORD.

An Act for paving the footways, and cleansing, lighting, and watching the streets and other public passages and places, within the borough of Hertford, and removing and preventing obstructions, nuisances, and annoyances therein. [28 Geo. 3. c. 75.]

An Act to amend and extend the provisions of an Act for paving and improving the streets and other public passages and places within the borough of Hertford. [9 Geo. 4. c. 38.]

HUNTINGDON.

An Act for paving, cleansing, and lighting the High Street and other places within the town of Huntingdon, and for removing and preventing nuisances and annoyances therein.
[25 Geo. 3. c. 9.]

HYTHE.

An Act for paving, repairing, cleansing, lighting, and watching the highways, streets, and lanes in the town and port of Hythe and liberty thereof in the county of Kent, and for removing and preventing nuisances and annoyances therein.
[38 Geo. 3. c. 16.]

IPSWICH.

An Act for the pavyng of the towne of Ipswiche.
[13 Eliz. c. 24.]

An Act for paving, lighting, cleansing, and otherwise improving the town of Ipswich in the county of Suffolk, and for removing and preventing encroachments, obstructions, and annoyances therein. [33 Geo. 3. c. 92.]

An Act for amending and rendering more effectual an Act passed in the thirty-third year of the reign of his present Majesty, for paving, lighting, cleansing, and otherwise improving the town of Ipswich in the county of Suffolk, and for removing and preventing encroachments, obstructions, and annoyances therein. [37 Geo. 3. c. 44.]

An Act for amending and enlarging the powers of two Acts of his present Majesty, for paving, lighting, cleansing, and improving the town of Ipswich in the county of Suffolk, and removing and preventing encroachments, obstructions, and annoyances therein; and for watching the said town.
[55 Geo. 3. c. 26.]

An Act to alter and amend several Acts of his late Majesty's reign, for paving, lighting, and otherwise improving the town of Ipswich in the county of Suffolk.
[1 & 2 Geo. 4. c. 104.]

KINGSTON-UPON-HULL.

An Act for explaining, amending, and making more effectual several Acts of Parliament relating to the maintenance and employment of the poor of the town of Kingstone-upon-Hull; and for better paving, preserving, and cleansing the streets, squares, lanes, and alleys in the said town, and preventing obstructions therein; and for preserving the lamps which shall be set up to enlighten the streets of the said town, and securing the property of such lamps to the owners.
[28 Geo. 2. c. 27.]

An Act to amend and render more effectual several Acts made for cleansing and enlightening the streets of the town of Kingstone-upon-Hull, and for preventing annoyances therein.
[2 Geo. 3.]

An Act for amending and supplying the deficiencies of an Act passed in the second year of the reign of his present Majesty King George the Third, intituled "An Act to amend an

render more effectual several Acts made for cleansing and enlightening the streets of the town of Kingstone-upon-Hull, and for preventing annoyances therein." [4 Geo. 3.]

An Act for building a new gaol for the town and county of the town of Kingstone-upon-Hull, and for purchasing an additional burial ground for the use of the parish of the Holy Trinity in the said town; for regulating the affairs of hackney coachmen, chairmen, and porters, and the prices of carriage of goods; for altering the time of lighting lamps; for ascertaining the breadth of party walls, and for preventing certain nuisances, within the said town, liberties, and precincts thereof; for amending an Act of the fourteenth year of the reign of his present Majesty, for making and establishing public quays or wharfs at Kingstone-upon-Hull, in respect to such as are or may be built opposite to certain staiths in the said Act described, and for other purposes. [23 Geo. 3. c. 55.]

An Act for paving, cleansing, lighting, watching, and regulating the streets, squares, lanes, and other public passages and places within the parish of Sealcotes in the East Riding of York, and for removing and preventing nuisances, annoyances, encroachments, and obstructions, and for licensing and regulating hackney coaches, chairs, porters, coal carriers, and water carriers, trucks, carts, and other carriages, within the said parish. [41 Geo. 3. c. 30.]

An Act for watching and more effectually lighting, cleansing, and otherwise improving the town of Kingstone-upon-Hull, and the liberty of Trippett and the lordship of Mytton in the parish of the Holy Trinity in the said town, and for preventing nuisances therein; and also for preventing frauds and impositions in the quality, measure, and carriage of coals sold in the said town and the neighbourhood thereof. [50 Geo. 3. c. 41.]

KIDDERMINSTER.

An Act for paving, cleansing, lighting, watching, and otherwise improving the streets and other public passages and places in Kidderminster, in the county of Worcester. [53 Geo. 3. c. 83.]

KINGSTON-UPON-THAMES.

An Act for the better lighting and watching the town of Kingstone-upon-Thames in the county of Surrey, and for removing and preventing all obstructions, encroachments, and nuisances therein. [13 Geo. 3. c. 61.]

KING'S LYNN.

An Act for paving, cleansing, lighting, and watching, and improving the borough of King's Lynn in the county of Norfolk, and for removing nuisances and annoyances therein; and for holding the Saturday and beast markets within more convenient parts of the said borough. [43 Geo. 3. c. 37.]

LANCASTER.

An Act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the borough and town of Lancaster in the county palatine of Lancaster. [5 Geo. 4. c. 66.]

LEEDS.

An Act for better supplying the town and neighbourhood of Leeds in the county of York with water; and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and removing and preventing nuisances, annoyances, encroachments and obstructions therein. [30 Geo. 3. c. 68.]

An Act to amend and enlarge the powers of an Act passed in the thirtieth year of his present Majesty, for better supplying the town and neighbourhood of Leeds in the county of York with water, and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and for removing and preventing nuisances and annoyances therein; and for erecting a court house and prison for the borough of Leeds; and for widening and improving the streets and passages in the said town. [49 Geo. 3. c. 122.]

An Act to amend and enlarge the powers and provisions of an Act of his present Majesty, for erecting a court house and prison for the borough of Leeds in the county of York and other purposes; to provide for the expense of the prosecution of felons in certain cases; and to establish a police and nightly watch in the town, borough, and neighbourhood of Leeds aforesaid. [55 Geo. 3. c. 42.]

An Act for lighting, cleansing, and improving the town and neighbourhood of Leeds in the county of York. [5 Geo. 4. c. 124.]

LEOMINSTER.

An Act for inclosing lands in the borough of Leominster in the county of Hereford, and in the township of Luston in the parish of Eye, in the said county; and for paving and otherwise improving the streets and other public places within the town of Leominster in the said county. [48 Geo. 3. c. 148.]

LICHFIELD.

An Act for paving, cleansing, lighting, watching, and regulating streets, lanes, and other public passages and places within the city of Lichfield, and the suburbs thereof. [46 Geo. 3. c. 42.]

LINCOLN.

An Act for paving, lighting, watching, and improving the city of Lincoln and the bail and close of Lincoln, and for regulating the police thereof. [9 Geo. 4. c. 27.]

LIVERPOOL.

An Act for the building a church in the town of Liverpool in the county palatine of Lancaster, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there. [21 Geo. 2. c. 24.]

An Act for opening, making, widening, and altering certain streets, passages and places within the town of Liverpool in the county palatine of Lancaster; for supplying the said town with fresh and wholesome water; for removing and preventing nuisances and annoyances therein; for appointing additional

market places; and for extending so much of the powers of an Act of the second year of his present Majesty as relates to hackney coachmen, chairmen, carters, and porters, to a certain distance beyond the liberties of the said town.
[26 Geo. 3. c. 12.]

An Act for enlarging and varying some of the powers contained in certain Acts of Parliament relating to the lighting, watching, and cleansing the streets and other places within the town of Liverpool, and for removing and preventing nuisances and annoyances therein. [28 Geo. 3. c. 13.]

An Act for the reviving, extending, and varying the powers of an Act passed in the twenty-sixth year of his late Majesty King George the Third, for making and widening certain streets, passages, and places in the town of Liverpool in the county palatine of Lancaster, and for several other purposes in the said Act mentioned; and also for further improving the said town. [1 Geo. 4. c. 13.]

An Act for widening and improving certain streets in the town of Liverpool in the county palatine of Lancaster; for the further prevention of nuisances and annoyances in the said town; for the regulation of weighing machines, weights, and measures; and the establishment of a fire police therein.
[7 Geo. 4. c. 57.]

An Act for the better pavage and sewerage of the town of Liverpool in the county palatine of Lancaster; and for settling the boundaries of the said town and the township of Kirkdale, and parts of the townships of Everton and West Derby.
[11 Geo. 4. c. 15.]

LOUTH.

An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the town and parish of Louth in the county of Lincoln. [6 Geo. 4. c. 129.]

LUDLOW.

An Act for paving the footpaths within the borough of Ludlow in the county of Salop, and for lighting, watching, and otherwise improving the said borough. [33 Geo. 3. c. 25.]

MACCLESFIELD.

An Act for lighting, watching, and regulating the police within the borough of Macclesfield in the county of Chester.
[54 Geo. 3. c. 23.]

An Act for better lighting, watching, and improving the borough and township of Macclesfield in the county of Chester, and regulating the police thereof. [6 Geo. 4. c. 96.]

An Act for better supplying the inhabitants of the borough of Macclesfield in the county of Chester with water, and to establish the rates payable for the same. [11 Geo. 4. c. 124.]

MAIDSTONE.

An Act for widening, improving, regulating, paving, cleansing, and lighting the streets, lanes, and other public passages and places within the King's Town of Maidstone in the county of Kent; for removing and preventing encroachments, obstruc-

tions, nuisances, and annoyances therein; for better supplying the said town with water; and for repairing the highways within the parish of Maidstone. [31 Geo. 3. c. 62.]

An Act for altering and amending an Act passed in the thirty-first year of the reign of his present Majesty, intituled, "An Act for widening, improving, regulating, paving, cleansing, and lighting the streets, lanes, and other public passages and places within the King's Town of Maidstone in the county of Kent; for removing and preventing encroachments, obstructions, nuisances, and annoyances therein; for better supplying the said town with water: and for repairing the highways within the parish of Maidstone;" and for raising a further sum of money for completing the purposes of the said Act. [42 Geo. 3. c. 90.]

An Act to enlarge the powers of three Acts of his present Majesty, for paving, cleansing, and lighting the streets and other public places within the King's Town of Maidstone in the county of Kent, and better supplying the inhabitants with water; and for watching the said town, and making public wharfs therein. [59 Geo. 3. c. 16.]

MONMOUTH.

An Act for paving the footways, and cleansing, lighting, and watching the streets, in the town of Monmouth. [58 Geo. 3. c. 81.]

NEWARK.

An Act for the better paving, lighting, and cleansing of the streets, lanes, and other public passages and places in the town of Newark-upon-Trent in the county of Nottingham, and for removing the market for butcher's meat in the said town, and for regulating the said market; and for repealing an Act made in the twenty-seventh year of the reign of her late Majesty Queen Elizabeth, intituled "An Acte for the pavinge of Newarke-upon-Trent in the countie of Nottingham." [38 Geo. 3. c. 26.]

NEWBURY.

An Act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the borough, town, and parish of Newbury and the tithing or hamlet of Speenhamland in the parish of Speen in the county of Berks. [6 Geo. 4. c. 72.]

NEWCASTLE-UNDER-LYME.

An Act for paving, lighting, watching, cleansing, regulating, and improving the borough of Newcastle-under-Lyme. [59 Geo. 3. c. 71.]

NEWCASTLE-UPON-TYNE.

An Act for lighting the streets and other places, and maintaining a regular and nightly watch, within the town and county of the town of Newcastle-upon-Tyne; and for regulating the hackney coachmen and chairmen, cartmen, porters, and watermen within the same. [3 Geo. 3.]

An Act for widening, enlarging, and cleansing the streets, lanes, and other public places, and for opening new streets, markets, and passages within the town of Newcastle-upon-Tyne and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the public markets, and common stage waggons, drays, and carts carrying goods for hire. [26 Geo. 3. c. 39.]

An Act for lighting and watching the streets and other places without the walls, but within the liberties, of Newcastle-upon-Tyne. [52 Geo. 3. c. 76.]

NEWPORT, (Isle of Wight.)

An Act for paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places, within the borough of Newport in the Isle of Wight; and for the removal of present, and the prevention of future encroachments, nuisances, and annoyances therein. [26 Geo. 3. c. 119.]

NEWPORT, (Monmouth.)

An Act for lighting, watching, paving, cleansing, and emproving the streets, highways, and places within the town and borough of Newport, in the county of Monmouth. [7 Geo. 4. c. 6.]

NORTHAMPTON.

An Act for paving, cleansing, lighting, and watching the town of Northampton, and for removing and preventing incroachments, obstructions, and annoyances therein. [18 Geo. 3. c. 79.]

An Act for altering and amending an Act passed in the eighteenth year of the reign of his present Majesty, intituled "An Act for paving, cleansing, lighting, and watching the town of Northampton, and for removing and preventing encroachments, obstructions, and annoyances therein; and for continuing the term of certain tolls by the said Act." [37 Geo. 3. c. 42.]

An Act for better paving, lighting, watching, and improving the town of Northampton; and for taking down, widening, and rebuilding the bridge over the Nine or Nen, at the south entrance of the said town, and improving the avenues to the said bridge. [54 Geo. 3. c. 193.]

NORWICH.

An Act for better paving, lighting, cleansing, watching, and otherwise improving the city of Norwich. [46 Geo. 3. c. 67.]

An Act for amending and enlarging an Act of his late Majesty, for better paving, lighting, cleansing, and otherwise improving the city of Norwich. [6 Geo. 4. c. 78.]

NOTTINGHAM.

An Act for enlightening the streets, lanes, and passages, within the town and county of the town of Nottingham. [2 Geo. 3.]

An Act to alter, amend, and enlarge the powers of an Act of the second year of his late Majesty's reign, intituled "An Act for enlightening the streets, lanes, and passages within the town and county of the town of Nottingham."
[1 & 2 Geo. 4. c. 70.]

OSWESTRY.

An Act for paving, cleansing, lighting, watching, and otherwise improving the streets and other public passages and places in the town and borough of Oswestry in the county of Salop.
[49 Geo. 3. c. 140.]

OXFORD.

An Act for amending certain of the mileways leading to Oxford; for making a commodious entrance through the parish of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious roads from the said bridge through the university and city and the avenues leading thereto; for cleansing and lighting the streets, lanes, and places within the said university and city and the suburbs thereof, and the parish of Saint Clement; for removing nuisances and annoyances therefrom, and preventing the like for the future; for empowering colleges and corporations to alienate their estates there; for removing, holding, and regulating Markets within the said city; and for other purposes.
[11 Geo. 3. c. 19.]

An Act to amend and enlarge the powers of an Act passed in the eleventh year of his present Majesty's reign, for performing several works, and making improvements, within the university and city of Oxford and the suburbs thereof, and in the adjoining parish of Saint Clement. [21 Geo. 3. c. 47.]

An Act for enlarging the term and powers of two Acts of his present Majesty for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and adjoining parish of Saint Clement, and for other purposes.
[52 Geo. 3. c. 72.]

An Act for continuing the term and amending and enlarging the powers of three Acts of his Majesty King George the Third, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and adjoining parish of Saint Clement, and for other purposes in the said Acts mentioned.
[5 & 6 W. 4.]

PEMBROKE.

An Act for supplying with water the town of Pembroke and the neighbourhood thereof, within the county of Pembroke.
[9 Geo. 4. c. 119.]

PLYMOUTH.

An Act for improving the town of Plymouth in the county of Devon. [51 Geo. 3. c. 102.]

An Act for better paving, lighting, cleansing, watching, and improving the town and borough of Plymouth in the county of

Devon, and for regulating the police thereof, and for removing and preventing nuisances and annoyances therein. [5 Geo. 4. c. 22.]

PONTEFRACT.

An Act for paving and otherwise improving the streets and other public passages within the town of Pontefract in the county of York; for better supplying the said town with water; and for altering and amending an Act passed in the twentieth year of his present Majesty, intituled "An Act for dividing the park of Pontefract in the county of York, and for other purposes mentioned therein." [50 Geo. 3. c. 40.]

PORTSMOUTH.

An Act for the better paving and cleansing the streets and other public passages in the town of Portsmouth in the county of Southampton, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious. [8 Geo. 3.]

An Act for lighting and watching the town of Portsmouth in the county of Southampton; and for explaining and amending an Act passed in the eighth year of his present Majesty's reign, for the better paving and cleansing the streets and other public passages in the said town, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious. [16 Geo. 3. c. 59.]

An Act for the better paving, cleansing, widening, and regulating the streets, courts, roads, lanes, ways, rows, alleys, and public passages and places within the town of Portsea in the county of Southampton, and for removing and preventing nuisances, annoyances, and obstructions within the said town. [32 Geo. 3. c. 103.]

An Act for better lighting and watching the town of Portsea in the county of Southampton; and for amending an Act passed in the thirty-second year of his late Majesty, for paving, cleansing, and regulating the streets and public places within the said town, and removing and preventing nuisances and annoyances therein. [7 Geo. 4. c. 64.]

PRESTON.

An Act to light, watch, pave, cleanse, and improve the streets, highways, and places within the borough of Preston, in the county palatine of Lancaster, and to provide fire engines and firemen for the protection of the said borough. [55 Geo. 3. c. 22.]

READING.

An Act for better paving, lighting, cleansing, watching, and otherwise improving the borough of Reading in the county of Berks. [7 Geo. 4. c. 56.]

ROCHESTER.

An Act for paving, cleansing, lighting, and watching the high streets and lanes in the parish of Saint Nicholas within the city of Rochester and parish of Stroud in the county of Kent, and

for making a road through Star Lane, across certain fields adjoining thereto, to Chatham Hill in the said county.
[9 Geo. 3. c. 32.]

SANDWICH.

An Act for the better repairing, paving, cleansing, lighting, and watching the highways, streets, and lanes of and in the town and port of Sandwich in the county of Kent, and in the several parishes of Saint Peter the Apostle, Saint Mary the Virgin, and Saint Clement, in the said town, port, and county; and for removing and preventing encroachments, nuisances, obstructions, and annoyances in the said highways, streets, and lanes, and on the common quay belonging to the said town and port, and in the haven adjoining to the said quay, and the bridge built over the said haven; and for regulating the berths and mooring places of vessels at the said quay, and the proper times for vessels to pass through the said bridge.
[27 Geo. 3. c. 67.]

SARUM, NEW.

An Act for the better repairing and paving the highways, streets, and watercourses within the city of New Sarum; and for enlightening the streets, lanes, and passages, and better regulating the nightly watch within the said city. [10 Geo. 2.]

An Act to alter, extend, and amend, the powers of two Acts passed in the tenth year of the reign of his late Majesty King George the Second, and in the twelfth year of the reign of his present Majesty, for better paving, lighting, and watching the city of New Sarum in the county of Wilts.
[55 Geo. 3. c. 23.]

SCARBOROUGH.

An Act for paving and otherwise improving the streets and other places in the township of Scarborough in the North Riding of the county of York, and for licensing hackney coaches and establishing other regulations in the said township.
[41 Geo. 3. c. 94.]

SHREWSBURY.

An Act for the better paving, and amending, cleansing, enlightening, and watching the streets, highways, lanes, and passages within the town of Shrewsbury in the county of Salop.
[29 Geo. 2. c. 78.]

An Act for repealing an Act passed in the twenty-ninth year of the reign of his Majesty King George the Second, for paving, lighting, and watching the town of Shrewsbury in the county of Salop; and for granting other powers in lieu thereof.
[1 & 2 Geo. 4. c. 58.]

SOUTHAMPTON.

An Act for the better paving, repairing, and cleansing the streets and other public passages, in the several parishes and wards of Saint Michael, Saint John, Holy Rood, Saint Lawrence, All Saints-within-the-Bar, All Saints-without-the-Bar, and East Street and Bay Row, within the town of Southampton and liberties thereof, and for preventing nuisances and annoyances

therein; and for widening and rendering the same more commodious, and for lighting and watching the said streets and public passages. [10 Geo. 3. c. 25.]

An Act to amend an Act made in the tenth year of his present Majesty, for paving, repairing, cleansing, lighting, and watching the streets and other public passages in the town of Southampton. [50 Geo. 3. c. 169.]

STAFFORD.

An Act for paving, lighting, watching, cleansing, regulating, and improving the streets, lanes, and other public passages, and places within the borough of Stafford in the county of Stafford. [11 Geo. 4. c. 44.]

ST. ALBAN'S.

An Act for paving the footways and crosspaths, and for cleansing, lighting, watching, and regulating the streets and other public passages and places within the borough of Saint Alban in the county of Hertford. [44 Geo. 3. c. 8.]

STOCKPORT.

An Act for lighting, cleansing, watching, and otherwise improving the streets, lanes, and other public passages and places within the town of Stockport in the county palatine of Chester; and for regulating the police of the said town. [7 Geo. 4. c. 118.]

STOCKTON.

An Act for lighting, cleansing, and otherwise improving the town and borough of Stockton in the county of Durham. [1 Geo. 4. c. 62.]

SUNDERLAND.

An Act for lighting and watching the town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the footpaths, and for removing and preventing nuisances and encroachments therein. [50 Geo. 3. c. 25.]

An Act for paving, lighting, watching, and cleansing the town of Sunderland near the Sea in the county of Durham; for removing the market; for building a town hall or market house; and for otherwise improving the said town; and for establishing a watch on the river Wear. [50 Geo. 3. c. 27.]

An Act for paving, lighting, watching, cleansing, and improving the town and parish of Sunderland near the Sea in the county of Durham, for removing the market, and for otherwise improving the said town. [7 Geo. 4. c. 120.]

SWANSEA.

An Act for better paving, repairing, cleansing, lighting, and watching the several streets and other public passages and places within the town and franchise of Swansea in the county of Glamorgan, and for removing and preventing nuisances, annoyances, and obstructions therein. [49 Geo. 3. c. 79.]

TEWKESBURY.

An Act for paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places within the town

of Tewkesbury, and the precincts thereof, in the county of Gloucester; for the removal of present and prevention of future encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and ascertaining the rates of carriage; and for widening some part of the street called Church Street, within the said town.

[26 Geo. 3. c. 17.]

TIVERTON.

An Act for the better and more easy rebuilding of the town of Tiverton in the county of Devon, and for determining differences touching houses and buildings burnt down or demolished by reason of the late dreadful fire there, and for the better preventing dangers from fire for the future.

[5 Geo. 2.]

An Act for paving and otherwise improving the town of Tiverton in the county of Devon. [34 Geo. 3. c. 52.]

An Act for amending and enlarging the powers and provisions of an Act of his late Majesty King George the Third, intituled "An Act for paving and otherwise improving the town of Tiverton in the county of Devon, and for lighting the said town." [3 Geo. 4. c. 60.]

TRURO.

An Act for paving, cleansing, lighting, and widening the streets, lanes, and passages, for removing and preventing encroachments, nuisances, and annoyances, and for regulating the porters and drivers of carts, within the borough of Truro, and part of the adjoining parishes, in the county of Cornwall.

[30 Geo. 3. c. 62.]

WALLINGFORD.

An Act for paving the footways, and for cleansing, lighting, watching, and regulating the streets, lanes, passages, and places within the borough of Wallingford in the county of Berks, and for removing and preventing nuisances, annoyances, encroachments, and obstructions therein.

[35 Geo. 3. c. 75.]

WALSALL.

An Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the town of Walsall, and the neighbourhood thereof, within the parish of Walsall in the county of Stafford. [5 Geo. 4. c. 68.]

WELLS.

An Act for more effectually repairing and improving certain roads leading to and from the city or borough of Wells in the county of Somerset; and for paving, cleansing, lighting, watching, and watering the said roads, and the streets, lanes, and public passages within the said city or borough, the liberty of Saint Andrew, and suburbs of the said city and borough, and removing and preventing nuisances and annoyances therein. [1 & 2 Geo. 4. c. 12.]

An Act for lighting with gas the city and borough of Wells in

the county of Somerset, the liberty of Saint Andrew, and suburbs of the said city or borough.
[2 Will. 4. c. 37.]

WEYMOUTH and MELCOMBE REGIS.

An Act for paving, cleansing, lighting, and watching the borough and town of Weymouth and Melcombe Regis in the county of Dorset, and for removing all encroachments, obstructions, and annoyances therein. [16 Geo. 3. c. 57.]

An Act for more effectually cleansing, lighting, and watching the borough and town of Weymouth and Melcombe Regis in the county of Dorset, and removing encroachments and annoyances therein; for licensing and regulating chairmen and other persons plying for hire, for establishing markets, and for giving further powers to the quay master of the harbour of the said town. [50 Geo. 3. c. 187.]

WINCHESTER.

An Act for the better paving, repairing, cleansing, lighting, and watching the streets and other public passages within the city of Winchester, and also within the several parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peter's Cheesehill, Saint Swithin, and Saint Michael in the West Soke, in the suburbs of the said city; and for preventing nuisances and annoyances therein, and for widening and endering the same more commodious.
[11 Geo. 3. c. 9.]

An Act for amending and enlarging the powers of an Act of his present Majesty, for paving, cleansing, lighting, and watching the streets and public passages in the city of Winchester, and several parishes in the suburbs thereof, and for removing and preventing nuisances therein. [48 Geo. 3. c. 2.]

WINDSOR.

An Act for the better paving, cleansing, lighting, and watching the streets and lanes in the parish and borough of New Windsor in the county of Berks, and for preventing nuisances and annoyances therein. [9 Geo. 3. c. 10.]

WISBEACH.

An Act for the establishing a cattle market within the town of Wisbeach in the isle of Ely; for taking down and removing shambles therein; for paving, cleansing, lighting, and watching the said town, and removing nuisances therein; for preserving and improving the port and harbour of Wisbeach, and for regulating the pilots belonging thereto.
[50 Geo. 3. c. 206.]

WORCESTER.

An Act for better supplying the city of Worcester and the liberties thereof with water; and for more effectually paving, lighting, watching, and otherwise improving the said city.
[4 Geo. 4. c. 69.]

YARMOUTH (GREAT).

An Act for better paving, lighting, cleansing, and watching the town of Great Yarmouth in the county of Norfolk, and for

removing nuisances and annoyances therein, and for making other improvements in the said town. [50 Geo. 3. c. 23.]

YORK.

An Act for paving, lighting, watching, and improving the city of York and the suburbs thereof, and the liberty of Saint Peter within the said city, and for regulating the police of the same respectively. [6 Geo. 4. c. 127.]

An Act for improving and enlarging the market places within the city of York, and rendering the approaches thereto more commodious; and for regulating and maintaining the several markets and fairs held within the same city and the suburbs thereof; and for amending an Act of his late Majesty, for paving, lighting, watching, and improving the said city; and other purposes. [3 Will. 4. c. 62.]

ORDERS IN COUNCIL.

At the Court at *St. James's*, the 11th Day of *September*, 1835.

PRESENT,

The KING's Most Excellent Majesty in Council.

5th and 6th Wm. IV. c. 76. s. 140.

Whereas by an act passed in the fifth and sixth year of his Majesty's reign, intituled "An act to provide for the regulation of Municipal Corporations in England and Wales," it was, among other things, enacted, that it should be lawful for his Majesty, if he should think fit, by the advice of his Privy Council, to order any days and times, before the first day of February next, for doing the several matters required or authorised by the said act to be done, in lieu of the several days and times for the present year therein-before specified, or any of them; and that in such case all matters mentioned in such Order should be done on and within such days and times as should be mentioned respectively in that behalf in such Order, as if the days and times mentioned in such Order had in every instance been mentioned in the said act, instead of the days and times therein-before respectively mentioned in that behalf, and not otherwise; provided always, that nothing therein contained should authorise his Majesty to appoint any days or times other than were therein-before specified, for any matters required or authorised by the said act to be done, after the expiration of this present year.

His Majesty is thereupon pleased, by the advice of his most honourable Privy Council, in pursuance of the power vested in his Majesty by the said act, to order, and it is hereby ordered, as follows, that is to say:

Section 15.

His Majesty, by the advice aforesaid, does hereby order, that the overseers of the poor of every parish wholly or in part within any borough named in either of the schedules (A.) or (B.) to the said act annexed, shall make out, and shall deliver to the town

clerk of the borough, the burgess list according to the provisions of the said act, on the seventh day of November in this year, instead of the fifth day of September, as provided in the said act; and that the said overseers shall keep a true copy of such lists, to be perused by any person, without payment of any fee, at all reasonable hours, between the said seventh day of November and the seventeenth day of November in this year, instead of the time between the fifth and fifteenth days of September; and that the town clerk shall cause a copy of all such lists to be fixed on or near the outer door of the town-hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the seventeenth day of November in this year, instead of the week next preceding the fifteenth day of September.

Section 17.

And his Majesty, by the advice aforesaid, does hereby order, that every person whose name shall have been omitted in any such burgess list, and who shall claim to have his name inserted therein, and every person authorised by the said act to object to any other person as not being entitled to have his name retained in any burgess list, shall give such notice thereof respectively, as by the said act is required, on or before the seventeenth day of November in this year, instead of the fifteenth day of September; and that the town clerk of every such borough shall cause copies of the lists to be made out by him of all such persons so claiming and so objected to, according to the provisions of the said act, to be fixed on or near the outer door of the town-hall, or in some public and conspicuous situation within such borough, during the eight days next preceding the first day of December in this year, instead of the eight days next preceding the first day of October, and that the town clerk shall likewise keep a copy of the names of all the persons so claiming as aforesaid, and also a copy of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days (Sunday excepted) next preceding the first day of December in this year, instead of the eight days (Sunday excepted) next preceding the first day of October.

Sections 18. 20.

And his Majesty, by the advice aforesaid, does hereby order that the barristers to be appointed to revise the lists of burgesses of the said boroughs, according to the provisions of the said act, shall hold their courts as directed by the said act, for the purpose of revising the said burgess lists, at some time between the first day of December inclusive and the fifteenth day of December inclusive in this year, instead of the time between the first day of October inclusive and the fifteenth day of October inclusive.

Section 22.

And his Majesty, by the advice aforesaid, does hereby order, that the town clerk of every such borough shall cause the burgess roll of the burgesses of such borough to be completed on or before the twenty-second day of December in this year, instead of causing it to be completed on or before the twenty-second day of October.

Section 30.

And his Majesty, by the advice aforesaid, does hereby order, that the councillors of every such borough shall be elected, according to the provisions of the said act, on the twenty-sixth day of December in this year, instead of the first day of November.

Section 25.

And his Majesty, by the advice aforesaid, does hereby order, that the aldermen of every such borough shall be elected, according to the provisions of the said act, on the thirty-first day of December in this year, instead of the ninth day of November.

Sections 49. 61. 69.

And his Majesty, by the advice aforesaid, does hereby order, that the first quarterly meeting of the council of every such borough shall be holden at noon, on the first day of January in the year one thousand eight hundred and thirty-six, instead of the ninth day of November in this year; and that the mayor of every such borough shall be elected, according to the provisions of the said act, on the said first day of January, instead of the said ninth day of November; and that the sheriff to be appointed in any such borough, according to the provisions of the said act, shall be appointed accordingly on the said first day of January, instead of the first day of November in this year.

C. C. Greville.

OCTOBER 9, 1835.

At the Court at *James's*, the 30th Day of *September*, 1835.

PRESENT,

The KING's Most Excellent Majesty in Council.

5th and 6th Wm. IV. c. 76. s. 140.

WHEREAS by an act, passed in the fifth and sixth year of his Majesty's reign, intituled "An act to provide for the regulation of Municipal Corporations in England and Wales," it was, among other things, enacted, that it should be lawful for his Majesty, if he should think fit, by the advice of his Privy Council, to order any days and times before the first day of February next, for doing the several matters required or authorised by the said act to be done, in lieu of the several days and times for the present year therein before specified, or any of them; and that in such case all matters mentioned in such order should be done on and within such days and times as should be mentioned respectively in that behalf in such order, as if the days and times mentioned in such order had in every instance been mentioned in the said act, instead of the days and times therein before respectively mentioned in that behalf, and not otherwise; provided always, that nothing therein contained should authorise his Majesty to appoint any days or times other than were therein before specified, for any matters required or authorised by the said act to be done, after the expiration of this present year:

His Majesty is thereupon pleased, by the advice of his most honourable Privy Council, in pursuance of the power vested in his Majesty by the said act, to order, and it is hereby ordered, as follows, that is to say:

Section 39.

His Majesty, by the advice aforesaid, does hereby order, that it shall be lawful for the barrister or barristers, appointed in pursuance of the provisions in the said act contained, to determine and set out the extent, limits, and boundary lines of the wards

into which it is provided by the said act that certain boroughs of large population shall be divided, and what portions of such boroughs shall be included therein respectively, within the space of sixty days next after the passing of the said act, instead of the space of six weeks next after the passing of the said act.

Section 58.

And his Majesty, by the advice aforesaid, does hereby order, that the council of every borough named in either of the schedules (A) or (B), to the said act annexed, shall appoint a fit person, according to the provisions of the said act, to be the town clerk of such borough, on the first day of January in the year one thousand eight hundred and thirty-six, instead of the ninth day of November in this present year.

WM. L. BATHURST.

RETURNS

OF THE

REVISING BARRISTERS.

The following is the substance of the Returns made by the Revising Barristers to the Secretary of State, as to the division of the boroughs in Schedule (A) into wards, and the number of councillors which they have appointed for each ward. A statement of the metes and bounds of the wards, set out by them, would occupy too much space in a work of this description; but the date of the Gazette, and the page, will be given in each case, so that the reader may readily refer to it for any information upon that subject.

Barnstaple.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2298.

Bath.—Seven wards: Bathwick ward, Kingsmead ward, Lansdowne ward, Lyncomb and Widcomb ward, St. James's ward, St. Michael's ward, Walcot ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2299.

Bedford.—Two wards: Eastern ward, Western ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2301.

Berwick-upon-Tweed.—Three wards: North ward, Middle ward, South ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2302.

Beverley.—Two wards: St. Mary's ward, Minster ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2304.

Boston.—Two wards: West ward, Bargate ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2305.

Bridgwater.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2306.

Bridport.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2308.

Cambridge.—Five wards: East Barnwell ward, West Barnwell ward, Market ward, Trinity ward, St. Andrew's ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2309.

Canterbury. — Three wards: Westgate ward, Dane John ward, Northgate ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2310.

Carlisle. — Five wards: Botchergate ward, St. Cuthbert's ward, St. Mary's ward, Caldergate ward, Rickergate ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2311, 2.

Carmarthen. — Two wards: Eastern ward, Western ward; nine councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2313.

Chester. — Five wards: Boughton ward, St. John's ward, St. Mary's ward, Trinity ward, St. Oswald's ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2315.

Colchester. — Three wards: First ward, Second ward, Third ward; six councillors to each ward. *Gaz.* 7 *Dec.* 1835, *p.* 2324.

Coventry. — Six wards: Spon Street ward, six councillors; Earl Street ward, six councillors; Gosford Street ward, six councillors; Bishop Street ward, three councillors; Cross-cheaping ward, six councillors; North ward, nine councillors. *Gaz.* 7 *Dec.* 1835, *p.* 2326.

Congleton.—Three wards: North ward, South ward, West ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2330.

Derby. — Six wards: Derwent ward, Castle ward, Becket ward, Friargate ward, King's Mead ward, Bridge ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2331.

Exeter. — Six wards: St. Paul's ward, St. Mary Major ward, Trinity ward, St. Sidewell ward, St. David ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2333.

Gloucester.—Three wards: West ward, East ward, South ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2335.

Gravesend.—Two wards: Gravesend ward, Milton-next-Gravesend ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2336.

Hastings. — Two wards: not named; twelve councillors to one, and six councillors to the other. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2337.

Hereford. — Three wards: Leominster ward, Monmouth ward, Ledbury ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2338.

Ipswich.—Five wards: not named; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2340.

Kidderminster. — Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2341.

King's Lynn. — Three wards: North ward, Middle ward, South ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2342; 11 *Dec.* *p.* 2474.

Kingston-upon-Thames. — Three wards: Town ward, Ham and Petersham ward, Turbiton ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2345.

Leeds. — Twelve wards: Mill Hill ward, six councillors; West

ward, six councillors; Holbeck ward, six councillors; Bramley ward, six councillors; North East ward, three councillors; North ward, three councillors; North West ward, three councillors; East ward, three councillors; Kirkgate ward, three councillors; South ward, three councillors; Hunslet ward, three councillors; Headingley ward, three councillors. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2346.

Lichfield. — Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2349.

Liverpool.—Sixteen wards: Everton ward, Scotland ward, Vauxhall ward, St. Paul's ward, Exchange ward, Castle Street ward, St. Peter's ward, Pitt Street ward, Great George's ward, Rodney Street ward, Abercrombie ward, Lime Street ward, St. Ann's Street ward, West Derby ward, South Foxteth ward, North Foxteth ward; three councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2350.

Louth.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2353.

Macclesfield. — Six wards: Hurdsfield ward, North West ward, South West ward, Sutton ward, South East ward, North East ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2355.

Newport, Isle of Wight.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2356.

Newport, (Monmouthshire). — Two wards: East ward, West ward; nine councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2358.

Northampton. — Three wards: West ward, East ward, South ward; six councillors to each ward. *Gaz.* 2 *Sup.* 7 *Dec.* 1835, *p.* 2359.

Norwich. — Eight wards: not named; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2380.

Nottingham. — Seven wards: St. Ann's ward, Byron ward, St. Mary's ward, Exchange ward, Castle ward, Park ward, Sherwood ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2381.

Oswestry. — Two wards: East ward, West ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2383.

Oxford. — Five wards: Central ward, North ward, South ward, West ward, East ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2384.

Pembroke. — Two wards: Pembroke ward, Pater ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2386.

Penzance. — Two wards: Western ward, Eastern ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2387.

Plymouth.—Six wards: Frankford ward, Drake's ward, Charles' ward, Sutton ward, Vintry ward, St. Andrew's ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2388.

Poole.—Two wards: not named; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2391.

Preston.—Six wards: St. John's ward, Trinity ward, Fishwick ward, Christchurch ward, St. George's ward, St. Peter's ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2392.

Rochester.—Three wards: St. Margaret's ward, nine councillors; St. Nicholas' ward, six councillors; Strood ward, three councillors. *Gaz.* 8 *Dec.* 1835, *p.* 2394.

Salisbury.—Three wards: St. Martin's ward, St. Edmund's ward, St. Thomas's ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2396.

Scarborough.—Two wards: Southern ward, Northern ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2397.

Stafford.—Two wards: East ward, West ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2398.

Stockport.—Six wards: Heaton Norris ward, nine councillors; Portwood ward, six councillors; St. Mary's ward, six councillors; Middle ward, nine councillors; St. Thomas's ward, six councillors; Edgeley ward, six councillors. *Gaz.* 8 *Dec.* 1835, *p.* 2400.

Stockton.—Two wards: East ward, West ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2402.

Swansea.—Two wards: Upper ward, Lower ward; nine councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2403.

Tiverton.—Three wards: West Exe ward, Castle ward, Lowman ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2404.

Warwick.—Two wards: St. Nicholas' ward, six councillors; St. Mary's ward, twelve councillors. *Gaz.* 8 *Dec.* 1835, *p.* 2406.

Wenlock.—Three wards: Wenlock ward, Madeley ward, Broseley ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2407.

Weymouth and Melcomb Regis.—Two wards: not named; six councillors to one, twelve to the other. *Gaz.* 8 *Dec.* 1835, *p.* 2408.

Wigan.—Five wards: Scholes' ward, St. George's ward, Queen's Street ward, Swinley ward, All Saints' ward; six councillors to each ward. *Gaz.* 8 *Dec.* 1835, *p.* 2410.

Windsor (New).—Two wards: In ward, Out ward; nine councillors to each ward. *Gaz.* 9 *Dec.* 1835, *p.* 2411.

Wisbech.—Two wards: North ward, South ward; nine councillors to each ward. *Gaz.* 9 *Dec.* 1835, *p.* 2413.

Yarmouth (Great).—Six wards: North, or St. Nicholas' ward, Market ward, Regent ward, St. George's ward, Nelson ward, Gorleston and South-town, or St. Andrew's ward; six councillors to each ward. *Gaz.* 9 *Dec.* 1835, *p.* 2415.

*** *In the following cases the Returns of the Revising Barristers have been disapproved by the King in Council.—See sect.* 39, *ante pp.* 63, 64.

Bristol.—Ten wards: Bedminster ward, three councillors; Bristol ward, nine councillors; Clifton ward, nine councillors; District ward, three councillors; Redcliff ward, six councillors; St. Augustine's ward, six councillors; St. James's ward, three councillors; St. Michael's ward, three councillors; St. Paul's ward, three councillors; St. Philip and Jacob's ward, three councillors. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2418.

Bury St. Edmunds.—Three wards: North ward, East ward, West ward; six councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2419.

Cardiff.—Two wards: not named; nine councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2422.

Carnarvon.—Two wards: Western ward, twelve councillors; Eastern ward, six councillors. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2423.

Chichester.—Two wards: North, or Friary ward, South, or Cathedral ward; nine councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2425.

Deal.—Two wards: North ward, South ward; nine councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2427.

Devizes.—Two wards: North ward, South ward; nine councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2429.

Doncaster.—Three wards: North ward, East ward, West ward; six councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2430.

Dover.—Three wards: Castle ward, St. Mary's Town ward, Pier ward; six councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2432.

Durham.—Three wards: St. Nicholas ward, North ward, South ward; six councillors to each ward. *Disapproved.** *Gaz.* 9 *Dec.* 1835, *p.* 2433.

Gateshead.—Three wards: East ward, West ward, South ward; no assignment of councillors. *Disapproved.*† *Gaz.* 9 *Dec.* 1835, *p.* 2435.

Kingston-upon-Hull.—Seven wards: Lowgate ward, Market Place ward, South Myton ward, North Myton ward, West Sculcoates ward, East Sculcoates ward, Holderness ward; six councillors to each ward. *Disapproved. Gaz.* 9 *Dec.* 1835, *p.* 2436; 15 *Dec. p.* 2497.

---

* By mistake the word in the Gazette is "*approve*;" the mistake is evident from the context.

† By mistake it is stated that his Majesty disapproves of the number of councillors assigned to each ward.

Kirkby Kendal.—Three wards: North ward, East ward, West ward; six councillors to each ward. *Disapproved.* *Gaz.* 9 *Dec.* 1835, *p.* 2438.

Lancaster.—Three wards: Castle ward, Queen's ward, St. Ann's ward; six councillors to each ward. *Disapproved.* *Gaz.* 9 *Dec.* 1835, *p.* 2439.

Leicester.—Seven wards: not named; six councillors to each ward. *Disapproved.* *Gaz.* 9 *Dec.* 1835, *p.* 2441.

Lincoln.—Two wards: Minster ward, Bridge ward; nine councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2444.

Maidstone.—Four wards: High Street ward, six councillors; King Street ward, six councillors; Stone Street ward, three councillors; Westborough ward, three councillors. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2445.

Newark.—Three wards: East ward, North ward, South ward; six councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2447.

Newcastle-under-Lyne.—Two wards: East ward, West ward; nine councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2449.

Newcastle-upon-Tyne.—Eight wards: St. Nicholas' ward, six councillors; St. John's ward, six councillors; All Saints West ward, six councillors; All Saints East ward, six councillors; St. Andrew's South ward, six councillors; St. Andrew's North ward, six councillors; Westgate ward, three councillors; Jesmond ward, three councillors. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2450; 22 *Dec.* *p.* 2549.

Portsmouth.—Six wards: St. Thomas's ward, nine councillors; St. George's ward, six councillors; St. John's ward, six councillors; All Saints' ward, nine councillors; St. Mary's ward, three councillors; St. Paul's ward, nine councillors. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2454; 11 *Dec.* *p.* 2475.

Reading.—Three wards: Church ward, Abbey ward, Castle ward; six councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2456.

Shrewsbury.—Five wards: Stone ward within, Welsh ward, Castle ward within, Castle ward without, Stone ward without; six councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2458.

Southampton.—Five wards: All Saints' ward, twelve councillors; St. Mary's ward, nine councillors; St. Lawrence's ward, three councillors; Holy Rhood ward, three councillors; St. Michael's ward, three councillors. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2459.

Stamford.—Two wards: St. Mary's ward, six councillors; All Saints' ward, twelve councillors. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2461.

Sunderland.—Seven wards: Monkwearmouth ward, West ward, Bridge ward, St. Michael's ward, Bishopwearmouth ward, Sunderland ward, East ward; six councillors to each ward. *Disapproved.* *Gaz.* 10 *Dec.* 1835, *p.* 2463.

Truro.—Two wards: Western ward, Eastern ward; nine councillors to each ward. *Disapproved. Gaz.* 10 *Dec.* 1835, *p.* 2465.

Walsall.—Three wards: Foreign ward, St. George's ward, Bridge ward; six councillors to each ward. *Disapproved. Gaz.* 10 *Dec.* 1835, *p.* 2466.

Winchester.—Three wards: St. Maurice's ward, St. Thomas's ward, St. John's ward; six councillors to each ward. *Disapproved. Gaz.* 10 *Dec.* 1835, *p.* 2468.

Worcester.—Five wards: St. John's ward, three councillors; St. Nicholas's ward, six councillors; All Saints' ward, nine councillors; St. Peter's ward, nine councillors; Claines' ward, nine councillors. *Disapproved. Gaz.* 10 *Dec.* 1835, *p.* 2469.

York.—Six wards: Bootham ward, Guildhall ward, Castlegate ward, Walmgate ward, Monk ward, Micklegate ward; six councillors to each ward. *Disapproved. Gaz.* 10 *Dec.* 1835, *p.* 2471.

INDEX.

A.

Abatement, none to be of suits in borough courts of record, by reason of any change of jurisdiction, 164.

Absence from a borough, what, shall vacate the office of mayor, alderman, or councillor, 77; penalty for it, 77.

Acceptance of office, declaration of, to be made by mayors, aldermen, councillors, before they act, 73, 74; when to be made, 76; form of the declaration, 74; acting without having made it, penalty, 78, 80.

Account, to be rendered by town-clerk, 85; treasurer, 85, 92; and other officers, 85, 92. Accounts of the treasurer to be submitted twice every year to the auditors, 129, 139.

Actions against persons for any thing done under this act: venue, 177; limitation, 177; notice of action, 177; plea, 177; tender of amends, &c. 177; costs, 177.

Admiral of the Cinque Ports, office of, not affected by this act, 150.

Admiralty jurisdiction, with respect of the office of coroner, saved, 91.

Admiralty jurisdiction in boroughs, chartered exemptions from, abolished, 150.

Admission of freemen, how hereafter, 29; fees on admission, 27. See "*Freemen.*"

Advowson, corporations seised of, shall sell the same, 182; proceeds to be invested in government securities, and the interest carried to the borough fund, 183.

Affirmation instead of oath, 48.

Aldermen, to be elected in every borough, 50, 51, by the councillors, 51, 52; how many, 51; one-half to go out of office every third year, and others to be elected in their stead, 52; those going out of office may be re-elected, if qualified, 52; vacancies in the meantime, how filled up, 52. Qualification for office, what, 53, 54; not to be persons in holy orders, or the regular ministers of any dissenting congregation, 53; not to hold place of profit, or be interested in any contract, under

the council, 54. Aldermen to accept office, or be fined, 75; becoming bankrupt or insolvent, to lose their office, 77; acting without being qualified, penalty, 78—80. Declaration of acceptance of office and of qualification, to be made by them, 73, 74; when to be made, 76; form of it, 74; declaration as to qualification to be made every three years, if required, 74; acting without having made such declaration, penalty, 78—80. Absence of, from the borough, what, shall vacate the office, 77; penalty for it, 77. An alderman to preside at ward elections, 68, 69; neglect of duty in that behalf, penalty, 71, 72. The aldermen, together with the mayor and councillors, form the council, 51, 52. Alderman not to be recorder, 146, or clerk to the magistrates, 143, 144.

Aldermen, under the old system, when to go out of office, 1, 62, 63; capable of being re-elected under this act, 62; such of them as are justices of peace may act as such until the 1st May, 1836, p. 1, 62, 63.

Aliens not to be burgesses, 35.

Allowances. See "*Pensions.*"

Alms, persons having received, within a year, not to be enrolled as burgesses, 35, 36.

Appeal against a borough rate, 127.

Appeal against a conviction under this act, 175; notice thereof, 175; recognizance, 175; costs, 176.

Appeal to the lords of the treasury, against the determination of the council as to the compensation to officers, 94.

Apprentices. See "*Freemen.*"

Arsenals of the crown, this act not to extend to the watching, lighting, &c. of, 120, 121.

Assault on constable in the execution of his duty, penalty, 111; or the offender may be indicted, 112.

Assessors, two to be elected by the burgesses, 55, annually, from the persons qualified to be councillors, 61; election to be the same as for councillors, 61, but each burgess to vote for one only, 61, 62. In boroughs divided into wards, two assessors to be elected for each ward, 68; when, how, and before whom the election to be, 68, 69. Election upon an occasional vacancy, when, before whom, how, and for what time, 70, 71. Assessor not to be member of the council, or town-clerk, or treasurer, 62. Assessor to accept office, or be fined, 75. Declaration of acceptance of office and of qualification to be made by assessors, before they act, 73, 74; when to be made, 76; form of it, 74. Acting without having made such declaration, or without being qualified, penalty, 78—80. Neglect or refusal of assessors to revise burgess lists, or to conduct or declare elections, penalty, 71, 72.

Attorney: who may act as attornies in the courts of record in boroughs, for the trial of civil actions, 164. An attorney may be a town-clerk, 83.

Auditors, two to be elected by the burgesses, 55, annually, from the persons qualified to be councillors, 61; elections to be the

same as for councillors, 61, but each burgess to vote for one only, 61, 62. Election upon an occasional vacancy, when, before whom, how, and for what, time, 70, 71. Auditor to accept office, or be fined, 75. Declaration of acceptance of office and of qualification to be made by auditors, before they act, 73, 74; when to be made, 76; form of it, 74. Acting without having made such declaration, or without being qualified, penalty, 78—80. Accounts of treasurer to be submitted twice a year to the auditors, 129, 130.

B.

Bail may be taken in petty misdemeanors, by the constable at the watch-house, 109; recognizance, how conditioned, 110; how forfeited, estreated, &c. 110; in what cases enlarged, 111.
Bankrupt: mayor or councillor becoming bankrupt, to lose his office, 77.
Barracks of the crown, act not to extend to the watching, lighting, &c. of, 120, 121.
Barrister. See "*Revising Barrister.*"
Berwick-upon-Tweed, a county of a town, 151; provisions of 38 G. 3. c. 52, as to trial in adjoining county, extended to it, 151.
Body corporate, meaning of the term in this act, 186.
Bodies corporate, to be hereafter styled "The Mayor, Aldermen, and Burgesses of ———," 30.
Booths to be provided for polling at corporate elections, if necessary, 57, 58.
Borough, meaning of the term in this act, 186.
Borough courts of record. See "*Court of Record.*"
Borough fund: the annual proceeds of the corporate property, and all fines received, shall be carried to the account of this fund, 123. This fund (subject to the payment of debts and other lawful claims) shall be applied to the payment of salaries, expenses of burgess lists, &c., expenses of prosecutions, of maintaining gaols, &c. 124, 125; expenses of the overseers, &c. 50; if there be a surplus, it shall be applied for the benefit of the inhabitants, &c. 125; if the fund be insufficient, the council shall order a borough rate, to make up the deficiency, 126, 127, (appeal against such rate, 127.) What penalties, under convictions to go to the borough fund, 170.
Borough rate, in what cases, 126, 127; appeal against it, 127.
Boundaries of boroughs: those mentioned in sect. 1, of sch. (A) and (B), shall have the same limits as are set out in the boundary act, 2 & 3 W. 4. c. 64. sch. (O); those in sect. 2, to have the same boundaries as now, 30—32.
Boundaries of wards: where boroughs are divided into wards, the boundaries of the wards are to be determined by the revising barristers, 2, 63—65.
Bribery at corporate elections, penalty, and party disqualified from voting at any election, from holding office, 80, 81, if pro-

secuted within two years, 82; but persons offending, discovering others who have so offended, to be discharged from all penalties, &c. 81, 82.

Bristol: the provisions of 38 G. 3. c. 52, as to trial in adjoining county, extended to it, 151.

Burgess, meaning of the term in this act, 186.

Burgesses, to be occupiers of houses or shops, &c. within the borough, rated as such, and resident householders in, or within seven miles of the same, 2, 33, 34, n. 38; aliens not to be burgesses, 35; nor persons who have received parochial relief, &c. within a year, 35, 36. Occupiers of houses or shops in boroughs, may claim to be rated to the poor, 36, & n. What occupation sufficient for those becoming entitled to such houses, shops, &c. by descent, marriage, devise, office, &c. 37, 38. Overseers of the poor annually to make lists of those entitled to be burgesses, to be called "burgess lists," and deliver them to the town-clerk, who shall cause them to be printed, and a copy affixed to the town hall, 39, 40; how, in boroughs where there is no town-clerk, 40; how, in precincts, &c. where there are no overseers, 41. Persons, omitted in these lists, may give notice thereof to the town-clerk, 41; so persons, objecting to others on the list, to give notice thereof to the town-clerk, 42; town-clerk to make lists of those claiming and objected to, 42, 43, which are to be revised the first year by barristers for that purpose appointed, 46—48, and every year afterwards by the mayor and assessors, 43; how revised, 43—46. Revised lists to be copied into books, which shall be the "burgess roll" of the burgesses entitled to vote in the elections of councillors, assessors, and auditors, 49; copies thereof to be printed for sale, 50. In boroughs divided into wards, lists shall be made of the burgesses in each ward, to be called "ward lists," 69, 70, and each burgess shall vote in that ward in which his property is situate, 69. Burgesses, in boroughs having quarter-sessions, exempt from serving on juries at quarter-sessions of the county, 167.

Burgess lists, to be made out annually by the overseers, and delivered to the town-clerk, who shall cause them to be printed, and a copy affixed to the town hall, 39, 40; how, in boroughs where there is no town-clerk, 40; how, in precincts, &c. where there are no overseers, 41. How revised, see "*Burgesses.*"

Burgess roll, to consist of the revised lists of the burgesses, copied into books, 49; copies thereof to be printed for sale, 50.

Bye-laws: the council may make bye-laws, 121, and appoint fines for the breach of them, which may be recovered in a summary way, 123; but such bye-laws not to be in force, until after being submitted to a secretary of state, 122.

C.

Cambridge, rights and privileges of the university of, not affected by this act, 2, 181.
Cathedrals, jurisdiction over the precincts of, not affected by this act, 2, 182.
Certiorari, none, for removal of convictions for offences under this act, 176.
Charitable trusts in corporations, to continue in the individuals now exercising them, until the 1st Aug. 1836, and then to cease, 19, 101; proviso for vacancies in the meantime, 101; and if parliament do not make provisions for such trusts before that time, the Lord Chancellor shall, 101.
Charters, so much of, relating to the boroughs in sch. (A) & (B) as are inconsistent with the provisions of this act, repealed, 1, 23; how far these boroughs are still to be regulated by such charters, 1, 24, n. The king may grant charters of incorporation to other towns, and extend to them all the provisions of this act, 1, 24, n. 185.
Charters, &c. of boroughs, to be kept by the town-clerk, 10, 92.
Chartered exemptions from the Admiralty jurisdiction in boroughs, abolished, 150.
Chester, city of, the provisions of 38 G. 3. c. 52. as to trial in an adjoining county, to extend to it, 151.
Cinque Ports, jurisdiction of, preserved, 2, 178—180. Office of admiral of the Cinque Ports not affected by this act, 150.
Clergymen, in holy orders, or dissenters, not to be councillors, 4, 53.
Clerk to the justices, how appointed, 17, 143, 144; must not be an alderman, councillor, clerk of the peace, &c. 17, 143, 144; must not be concerned in the prosecution of offenders committed by the borough justices, 17, 144. List of his fees to be made by the council, 15, 168, 169. See "*Fees.*"
Clerk of the peace, to be appointed by the council, 14, 145; not to be clerk to the magistrates, 14, 17, 143, 144; to give notice of the holding of the sessions, 165; to summon grand and petty jurors for the sessions, 15, 165; his other duties, 14, 15. List of his fees to be made out by the council, 15, 168, 169. See "*Fees.*"
Commission of the peace: the king, upon petition, may by commission appoint justices of the peace for a borough, 16, 139.
Committees, general or special, may be appointed by the council, but their acts must be submitted to the council for approval, 8, 100.
Commons, &c. belonging to boroughs, the freemen to exercise the same rights, &c. therein, as before this act, 1, 24.
Common councilmen, under the old system, when to go out of office, 1, 62, 63; capable of being re-elected under this act, 62; such of them as are justices of the peace, may act as such until the 1st of May, 1836, *p.* 1, 62, 63.

Compensation to officers removed, or whose offices are abolished, 10, 11, 92, 93, 95; amount thereof how fixed and determined by the council, 94, 95; appeal from such determination to the Lords of the Treasury, in what cases, 94; such compensation to be secured by deed, 95, 96.

Constables to be appointed by the watch committee, for preserving the peace by day and night, preventing felonies, and apprehending offenders, 17, 18, 107; within what district they shall act, 18, 107, 108; regulations for them to be made by the watch committee, 18, 108; by whom they may be dismissed, 18, 108; their duties, 109; they may take bail in cases of petty misdemeanor, 18, 109-111: penalty for neglect of duty, or disobedience of orders, 18, 111; assaulting or resisting them in the execution of their duty, penalty, 18, 111, or the offender may be indicted, 18, 112; their wages, allowances, &c. to be paid by the treasurer of the borough, 19, 112, 113; the present watch-houses, watch-boxes, arms, accoutrements, &c. to be given up for their use, 19, 115.

Constables, special, who to be appointed, 19, 113; by whom, 113; to act when required by warrant, 113; their oath, 114; how paid, 114, 119.

Contracts with the justices of an adjoining county for the maintenance of prisoners committed from boroughs to the county gaol, not affected by this act, 157. The council may contract for the maintenance, &c. of the borough prisoners in the gaol of another borough, 16, 158; and the prisoners may be tried there, 16. 158.

Conviction, form of, for offences under this act, 174; appeal against it, 175, 176.

Coroner, in boroughs having a separate court of quarter-sessions, to be appointed by the council, 9. 11, 89, and have exclusive jurisdiction within the borough, 11, 89; his fees, 11, 89, 90; must make returns to the secretary of state, 90. In other boroughs the coroner of the county shall act, 11, 90, 91. The Admiralty jurisdiction, with respect to the office of coroner, saved, 91.

Corporations, municipal, to be hereafter styled "The Mayor, Aldermen, and Burgesses of ——," 30. The king, upon petition, may grant charters of incorporation to other towns, and extend to them all the provisions of this act, 1, 24, n. 185.

Correction, house of (see "*Gaol*"), to be deemed in the same county, &c. as before this act, notwithstanding any change in the boundaries of boroughs, 33.

Costs of prosecutions at the sessions of a borough, to be paid out of the borough fund, 15, 154.

Costs of prosecutions at the assizes, for offences committed within a borough, to be paid out of the borough fund, 155; treasurer of county to keep account of such expenses, and make order for payment, 156.

Costs upon convictions for offences against this act, 176.

Costs in actions against persons for any thing done under this act, 177.

Council, to consist of the mayor, aldermen, and councillors, 7, 51, 52. Their acts to be determined at a meeting, consisting of at least one third of the whole number, by a majority of the numbers present, 97; who to preside, 8, 97, 98; notice of meetings, 8, 98; who may call a meeting, if the mayor refuse to do so, 8, 98; summons to be sent to the members, 98; quarterly meetings, 8, 99, when to be holden, 8, 99, and what business to be transacted at them, 8, 99. The council may appoint committees, general or special, who must submit their acts to the council for approval, 8, 100. Council to appoint a watch committee, 17, 107. See "*Watch Committee.*" Council to appoint the mayor, 6, 72, 73, town clerk, 9, 83, treasurer, 9, 10, 83, 84, coroners (in what cases), 9, 11, 89, sheriffs, 9, 11, 88, registrar, and other officers of the court of record, 13, 164. Borough rate to be made by the council, 20, 126, 127; in case of compensation to officers, the amount to be fixed and determined by the council, 94, 95. Council may contract for the maintenance, &c. of the borough prisoners in the gaol of another borough, 16, 158. Council not to sell or mortgage lands, or let them for more than 31 years, 20, 131, without consent of the Lords of the Treasury, 20, 131; what rent to be reserved on leases, 20, 131; the council may renew leases, in pursuance of covenants, &c. 132; and in certain cases, the council may lease for 75 years, 20, 133. Council may question sales, leases, &c. made since the 5th June, 1835, for undue consideration, 20, 134; proviso, 138, 139; value how ascertained, 135—138, and the party may thereupon either relinquish the contract, or pay additional consideration, 137. Trusts in corporations, in what cases to be exercised by the council; see "*Trusts.*" Members of the council exempt from serving on juries, 15, 167.

Councillors to be elected in every borough, 50, 51, by the burgesses, 4, 55; how many, 4, 51; one third to go out of office annually, and others to be elected in their stead, 4, 55, 56; those going out of office, capable of being re-elected, 56. Elections, before whom to be holden, 56, 57, 60; when and how to be holden, 56, 57; polling booths to be provided, if necessary, 57, 58, and polling clerks appointed, 58; but the election not to be holden in any church or chapel, &c. 58; no questions to be put to voters, but as to their identity, and whether they have before voted at the said election, 59; false answers how punishable, 59; result of the election how and when declared, 60. Election of councillors, in boroughs divided into wards, 4, 67, 68, 69; when, how, and before whom, 5, 68, 69. Election upon an occasional vacancy, when, before whom, how, and for what time, 4, 70, 71. What qualification for office councillor to have, 4, 53, 54; not to be persons in holy orders, or the regular ministers of any dissenting congregation, 4, 53; not to hold place of profit, or be interested in any contract, under the council, 4, 54. Councillors to make declaration of acceptance of office, and

of qualification, before they act, 5, 73, 74. Councillors to accept office or be fined, 6, 75. Acting without being qualified, or without having made declaration, 5, 6, 78-80. What absence of a councillor from the borough shall vacate his office, 5, 77. Councillor not to be recorder of the borough, 14, 146. The councillors first elected, may remove the present officers, 11, 91. Number of councillors to be elected for each ward, in boroughs divided into wards, 65, 66, 229.

County, meaning of the term in this act, 186.

County rate: boroughs having quarter sessions, not to be assessed to the county rate, 21, 154. What portion of the county expenditure shall be paid by boroughs, 21, 160.

Courts of justice, to be deemed in the same county as before this act, notwithstanding any change in the boundaries of boroughs, 33.

Court of quarter sessions. See "*Quarter Sessions.*"

Courts of record, in boroughs, for the trial of civil actions: who to be judge, 12, 161; when and where to be holden, 162; of what actions they are to have cognizance, 162; of what actions not, 12, 163; rules of practice, 12, 163; extent of jurisdiction, 12, 163. Council to appoint the registrar and other necessary officers of the court, 13, 164. Who may act as attornies in such court, 13, 164. Existing suits not to abate by reason of the change in jurisdiction, &c. 13, 164. Who to be jurors, 165; how summoned, 165; fines for non-attendance, 166.

Court of the revising barrister. See "*Revising Barrister.*"

Court for the revision of the burgess lists, when, how, and before whom to be holden, 43-45.

Criminal jurisdiction, heretofore vested in mayors, recorders, &c. to cease on the 1st May, 1836, *p.* 13, 149. See "*Justices,*" "*Quarter Sessions.*"

D.

Declaration of acceptance of office, and of qualification, to be made by mayors, councillors, aldermen, auditors, and assessors, before they act, 73, 74; when to be made, 76; form of it, 74; declaration as to qualification, by aldermen, every three years, if required, 5, 74. Persons acting without having made such declaration, penalty, 4, 5, 7, 78-80. Justices of the borough to make declaration before they act, 147. Recorder to make declaration before he acts, 14, 147.

Deputy recorder. See "*Recorder.*"

Dockyards of the crown, act not to extend to watching and lighting, &c. of, 120, 121.

Durham, rights of the University of, not affected by the act, 2, 182.

E.

Ecclesiastical livings. See "*Advowson.*"

Elections of members of parliament, in boroughs not counties of themselves, the mayor to be returning officer, 7, 82.

Elections of councillors, before whom to be holden, 56, 57, 60; when and how to be holden, 56, 57; polling booths to be provided, if necessary, 57, 58, and polling clerks appointed, 58; but the election not to be holden in any church or chapel, &c. 58; no questions to be put to voters, but as to their identity, and whether they have before voted at the same election, 59; false answers, how punishable, 59; result of the election, how and when declared, 60. Election of councillors, in boroughs divided into wards, 4, 67, 68, 69; when, how, and before whom election to be, 6, 68, 69. Election upon an occasional vacancy, before whom, how, and from what time, 4, 70, 71. Mayor, alderman, or assessor refusing to conduct or declare election, penalty, 6, 9, 72. Bribery at elections, penalty, &c. 3, 80, 82. See "*Bribery.*"

Election of assessors and auditors, to be in the same manner as the election of councillors, 9, 61: but each burgess to vote for one only, 61, 62.

Exclusive right of trading, &c. in boroughs, abolished, 2, 38, 39.

Exemption from the Admiralty jurisdiction in boroughs, abolished, 150.

Exemption from tolls or dues, to be continued to the present freemen, &c. and then to be abolished altogether, 1, 2, 26.

Exemptions from serving office, what allowed, 76; from serving on juries, what allowed, 15, 167, 168.

Expenses of overseers, to be out of the borough fund, 60.

Expenses of prosecutions. See "*Costs of Prosecutions.*"

F.

False answers by voters at corporate elections, how punishable, 59.

Fees, lists of those to be taken by the clerk of the peace, clerk to to the magistrates, and the registrar and officers of the court of record, to be made out by the council, 15, 168, 169; to be submitted to and confirmed by one of the Secretaries of State, 15, 169. Tables of these fees to be hung up, 15, 170.

Freedom in corporations hereafter not to be acquired by gift or purchase, 28.

Freemen, their wives, children, &c., shall still have the same share and benefit in the lands, rents, commons, stock, &c., of boroughs, and of property in trust for charitable purposes, as before this act, 1, 24; and freemen still to be entitled to vote for members of parliament, 1, 28. And for the purpose of ascertaining who are freemen, a "Freeman's List" shall be kept by the town clerk, of all those now admitted or hereafter to be admitted freemen, 1, 29, 25 n.; roll how to be kept, 29 n. Freemen how hereafter to be admitted, 29; to pay the same fees on admission, and to fulfil the same conditions, as

before this act, 1, 27. Freedom not hereafter to be acquired by gift or purchase, 28.
Freemen's list, what, and by whom and how kept, 1, 25 n. 29 & n.
Fund, borough. See "*Borough Fund.*"

G.

Gaols: councils of certain boroughs to have the same powers under the gaol acts, as the justices have at their sessions in counties, 16, 159. Council may contract for the maintenance &c. of the borough prisoners, in the gaol of another borough, 16, 158; and the offenders may be there tried, 16, 158. Contracts with the justices of the adjoining county for the maintenance of prisoners committed from boroughs to the county gaol, not affected by this act, 157.
Gaols to be deemed to be in the same county, as before this act, notwithstanding any change in the boundaries of boroughs, 33.
Grammar school at Louth, not affected by this act, 2, 180.
Grand jurors to be summoned by the clerk of the peace, 15, 165. See "*Jurors.*"
Grants to corporations, so much of them as are inconsistent with the provisions of this act, repealed, 1, 23.

H.

Holy orders, persons in, not to be councillors, 4, 53.
Houses of correction, to be deemed in the same county as before this act, notwithstanding any change in the boundaries of boroughs, 33.

I.

Insolvent, mayor, alderman, or councillor, becoming, to lose his office, 5, 6, 7, 77.
Interpretation clause of the act, 186.

J.

Judge's lodgings, to be deemed in the same county as before this act, notwithstanding any change in boroughs, 33.
Jurisdiction of the courts of record in boroughs, extent of, 12, 163; of what actions they shall have cognizance, 12, 162; of what not, 12, 163.
Jurisdiction, criminal, heretofore vested in mayors, recorders, &c. to cease on 1st May, 1836, p. 13, 149. See "*Justices,*" "*Quarter Sessions.*"

Jurisdiction of Admiralty, chartered exemptions from, in boroughs, abolished, 150. Admiralty jurisdiction with respect to the office of coroner, saved, 91.
Jurisdiction of the Cinque Ports, not affected by the act, 2, 178—180.
Jurisdiction over the precincts of cathedrals, not affected by this act, 2, 183.
Jurors, who to be in boroughs, 15, 165; how and when to be summoned, 15, 165; grand jurors to be summoned by the clerk of the peace, 15, 165; members of the council, justices of the peace, treasurer, and town clerk, exempt, 15, 165; burgesses of boroughs having quarter sessions, exempt from serving as jurors at the quarter sessions of the county, 15, 167. All chartered exemptions from serving on juries, abolished, 15, 168.
Justices of the peace: the king upon petition, may by commission appoint them for boroughs, 16, 139; they must reside in the borough, or within seven miles of it, 16, 139, 140. So the king may appoint salaried justices in boroughs, 17, 140, 141. Justices need not be qualified by estate, or be burgesses, 17, 142; must not act as such at any gaol delivery or quarter sessions, or in making or levying county rate, 17, 143. They must make declaration before they act, 147. They are exempt from serving on juries, 15, 167. They may appoint a clerk, not being the clerk of the peace, alderman, councillor, &c., 17, 143, 144; clerk not to be concerned in the prosecution of offenders committed by the borough justices, 17, 144. Summons, warrant, &c. of such justices, within what district they may be executed, 17, 142. In prosecutions for offences against this act, they may act, though rateable, 173. The mayor of the borough is a justice of peace during his year of office, and the year after, 16, 82. The recorder also is a justice of peace, 14, 16, 145. Mayor, aldermen, &c. under the old system, who are justices, to act as such until the 1st May, 1836, p. 1, 62. In all boroughs not having a quarter sessions, the county justices may act within them, 16, 17, 154.

L.

Lands of corporations. See "*Property.*"
Leases of corporations. See "*Property.*"
Letters patent, relating to the boroughs in sch. A and B, such as are inconsistent with the provisions of this act, repealed, 1, 23.
Lighting, cleansing, watching, &c. See "*Trusts.*"
Licences to alehouses, &c. not to be granted by the recorder, 148.
Limits. See "*Boundaries.*"
Limitation of action, 177; of prosecution, 171. See "*Action,*" "*Prosecution.*"
List. See "*Burgess List,*" "*Freemen's List,*" "*Ward List.*"

Louth grammar school, not affected by this act, 2, 180.
Lunatic asylums to be deemed within the same county as before this act, notwithstanding any change in the boundaries of boroughs, 33.

M.

Mayor, to be elected in every borough, 50, annually by the council, out of the aldermen or councillors, 6, 72, 73; how, when, and for what time, upon an occasional vacancy, 6, 7, 73. His salary, 6. He shall make declaration of acceptance of office and of qualification, before he acts, 7, 73, 74. See "*Declaration.*" Acting without qualification or without having made such declaration, penalty, 4, 5, 7, 78—80. Mayor to be a justice of the peace, during his year of office and the year after, 16, 82; he may open and adjourn the sessions in the absence of the recorder, but not to act as judge, 13, 148; his right of precedence, 7, 82; in boroughs, not counties of themselves, he is returning officer at elections for members to serve in parliament, 7, 82; he with the assessors shall revise the burgess lists, 6, 43; he shall preside at and conduct the election of councillors in boroughs not divided into wards, 6, 68, 69; neglecting or refusing to revise the burgess lists, or to conduct or declare elections, penalty, 6, 9, 71, 72; he is one of the council. 7, 51, 52; to preside at their meetings, if present, 97; who to call meetings of the council, if he refuse to do so, 8, 98. Absence from the borough, for what length of time, shall vacate the office, 6, 77. If he become bankrupt or insolvent, &c., he shall lose his office, 7, 77.
Mayor, meaning of the term in this act, 186.
Mayor, under the old system, when to go out of office, 1, 62, 63; capable of being re-elected under this act, 62; if he be a justice of peace, he may act as such until the 1st May 1836, p. 1, 62, 63.
Meetings of the council, to consist of at least one-third of the whole number of the members, and their acts determined by a majority of the members present, 8, 97; who to call such meetings, if the mayor refuse to do so, 8, 98; notice of meeting, 8, 98; summons to be sent to the members, 98; who to preside, 8, 97, 98. Quarterly meetings, 8, 99; when to be holden, 8, 99; and what business to be transacted at them, 8, 99.
Metes. See "*Boundaries.*"
Ministers of dissenting congregations, not to be councillors, 4, 53.
Municipal corporations. See "*Corporations.*"
Muniments of corporations, to be in the custody of the town clerk, who is to be responsible for them, 10, 92.

N.

Notice of action. See "*Action.*"
Notice of name being omitted in the burgess list, 41; the like, of names objected to, 42. See "*Burgess.*"

O.

Oath of special constables, 114; when an oath is required by this act, an affirmation may be substituted for it, 48.
Objection, made to persons being on the burgess list, 42.
Occupiers of houses, &c. in what cases qualified to be burgesses, 3, 33, 34 n. 38; they may for that purpose claim to be rated to the poor, 36, & n.; what occupation sufficient, for those becoming entitled to such houses, &c., by descent, marriage, devise, office, &c., 3, 37, 38.
Officers of corporations: the council may appoint such of those officers usually appointed, as they may deem necessary, 9, 11, 84, or may discontinue any of them, 11, 84; security, 11, 84; salary, 84; when and how to account, 85, 92; remedy for not doing so, &c., 86—88. They may be removed by the councillors first elected, 11, 91; but they shall continue in office, until removed, 11, 91; if removed, or their office abolished, they are to have compensation, 10, 11, 92—95.
Omission of the name of a person from the burgess list, who claims to be entitled as burgess, its effect, and how remedied, 3, 41, &c.
Order of council, may alter the time fixed by the act for certain acts, 184. Order in council, 11 Sep. 1835, p. 225; the like, 30 Sep. 1835, p. 227.
Oxford, University of, the rights and privileges of, not affected by this act, 2, 181.
Overseer, meaning of the term in this act, 186.
Overseer of the poor, annually to make lists of those entitled to be burgesses, to be called burgess lists, and deliver them to the town clerk, 3, 39, 40; neglecting or refusing to do so, penalty, 72; their expenses to be paid out of the borough fund, 50.

P.

Parish, meaning of the term in this act, 186.
Parliament, members of, freemen still to be entitled to vote for, 1, 28. Recorder not to be member of parliament for the borough, 14, 146.
Parochial relief, persons who have received, within a year, not to be on the burgess lists, 3, 35, 36.
Paving of boroughs, provisions for. See "*Trusts.*"
Penalties under convictions, what, go to the borough fund, 170.

Pensions heretofore granted by corporations, what to be allowed, and how to be secured, 20, 21, 96.
Plea. See "*Action.*"
Police. See "*Constable,*" "*Special Constable,*" "*Watch Committee.*"
Police magistrate, the king may appoint a salaried justice in boroughs, 17, 140, 141. See "*Justices.*"
Police office, to be provided by the council, 17, 141.
Polling booths, if necessary, to be provided at borough elections, 57, 58.
Polling clerks, to be appointed, in borough elections, 58.
Precedence of mayors, 7, 82; of recorders, 14, 145.
Precincts of cathedrals, jurisdiction over, not affected by this act, 2, 182.
Presentation to livings. See "*Advowson.*"
Prisoner. See "*Gaol*"
Property of corporations: council not to sell or mortgage lands, or to let them for more than thirty-one years, 20, 130, without the consent of the Lords of the Treasury, 20, 131; what rent to be reserved on leases, 20, 131. The council may renew leases, in pursuance of covenants, &c. 132. In what cases the council may lease for seventy-five years, 20, 133. The council may question sales, leases, &c., made since the 5th June 1835, for undue consideration. 20, 134; proviso, 138, 139; value how ascertained, 135, 138; and the party may either relinquish the contract, or pay an additional consideration, 137.
Prosecutions for offences against this act: limitation of prosecution, 171; summons, 171; hearing *ex-parte*, or warrant, 172; power to summon witnesses, 172; penalty for disobedience of summons, or refusing to answer 172; witness not incompetent on the ground of rateability, 173; justices may act, though rateable, 173. Penalties when to be paid, 173; may be levied by distress, 173, or offender imprisoned, 173. Form of conviction, 174. Appeal, 175; notice thereof, 175; recognizance, 175; costs, 176. No certiorari, &c., 176. As to informality in warrants, &c. 176.
Prosecutor's expenses. See "*Costs.*"

Q.

Qualification, for office of alderman, what required, 6, 53, 54; for the office of councillor, 4, 53, 54.
Quarter sessions: sessions may be holden as heretofore, until the 1st May 1836, p. 149. The king, upon petition, may grant to boroughs a separate court of quarter sessions, and appoint a recorder, 13, 144. Sessions to be holden every quarter, recorder to be sole judge, 13, 147. Jurisdiction, 147, 148. The mayor, in the absence of the recorder or deputy, may open and adjourn the court, but not act as judge, 13, 148. If no quarter sessions be granted to a borough, offenders commit-

ted to the borough sessions shall be tried at the sessions or assizes of the adjoining county, 152. Clerk of the peace, to give notice of the holding of the sessions, 165.
Quarterly meetings of the council, 8, 99, when to be holden, 8, 99, and what business to be transacted at them, 8, 99.
Questions to be put to voters, none, but as to their identity, and whether they have before voted at the same election, 59.

R.

Rate: borough rate, 20, 126, 127; county rate, 21, 154, 160; poor's rate, see "*Burgesses;*" watch rate, 127.
Recognizance, of prosecutors and witnesses, bound over to the sessions, where a court of quarter sessions has not been granted, how to be disposed of, 153. Recognizance of bail, taken by a constable, how conditioned, 110; how forfeited, estreated, enlarged, &c., 110, 111.
Record, court of, for the trial of civil actions, who to be judge, 12, 161; when and where to be holden, 162; jurisdiction, 12, 163; of what actions they shall have cognizance, 162, what not, 12, 163. Council to appoint registrar and other necessary officers of the court, 13, 164. Who may act as attornies in such courts, 13, 164. Existing suits not to abate by reason of the change of jurisdiction, &c., 13, 164. Who to be jurors, 165; how summoned, 165; fine for non-attendance, 166.
Recorder, to be appointed by the crown, 14, 144; to have precedence next after the mayor, 14, 145; to be a justice of peace for the borough, 14, 16, 145; his salary, 145. He cannot be member of parliament for the borough, or alderman, councillor, or police magistrate, 14. 146. In what cases he may appoint a deputy, 14, 146; not to make county rate, or grant licences for alehouses, &c., 148. He must make declaration before he acts, 14, 147.
Registrar of the court of record, to be appointed by the council, 13, 164; list of his fees, to be made by the council, 15, 168, 169.
Relief, parochial, persons who have received it within the year, not entitled to have their name on the burgess lists, 3, 35, 36.
Removal of leases by corporations, in what cases, 132.
Rent, what to be reserved on leases of corporation property, 131.
Resisting constables in the execution of their duty, penalty, 18, 111; or the offender may be indicted, 18, 112.
Returning officer, mayor to be, in what cases, 7, 82.
Revising barristers, how and by whom appointed, 46; to revise the burgess lists the first year, 47; to determine the boundaries of the wards into which boroughs are divided, 63—65, and the number of councillors to be elected for each ward, 65, 66; may examine rate-books, administer oaths, &c., 67; to be paid

out of the consolidated fund, 47, and the amount repaid to the treasury by the council of the borough, 48. Court for the revising of the lists, how and where to be holden, 43—45.
Revising barristers' returns, 229.
Roll: burgess roll; See "*Burgess.*" Freemen's roll; See "*Freemen.*"

S.

Salary, of the mayor, 6, 84; of the recorder, 145; of town clerk, 84; of treasurer, 84; and of other officers, 84.
Salaried justices, to be appointed for boroughs, the king may appoint, 17, 140, 141. See "*Justices.*"
Schedule, A, 188; B 195; C, 198; D, 198; E, 201.
Security, to be found by the town clerk, 84; by the treasurer, 84; and other officers, 84.
Sessions. See "*Quarter Sessions.*"
Sheriffs, of boroughs which are counties of themselves, to be appointed by the council, 9, 11, 88.
Special constables. See "*Constables.*"
Statutes, relating to boroughs in sch. A and B, so much thereof as is inconsistent with this act, repealed, 23.
Stipends, heretofore granted by corporations, what to be allowed, and how secured, 20, 21, 96.
Summons, of the members of the council, for a meeting, 98; of jurors, 15, 165; of witnesses, 172.
Summons by justices, of boroughs, for offences, within what district it may be served, 17, 142; for offences under this act, 171.
Sunday: acts appointed to be done on a day which happens to be Sunday, may be done on the Monday, 55.

T.

Tender. See "*Action.*"
Time fixed by this act for certain acts, may be deferred by order of council, 184; and it has been deferred accordingly. See "*the Orders in Council,*" *post*, p. 225, 227.
Tolls, exemption from, to be continued to the present freemen, &c., and then to be abolished altogether, 1, 2, 26.
Town clerk, to be appointed by the council, 9, 83; he may be an attorney, 83; must not be treasurer, 10, 84; must find security, 84; his salary, 84. When, how, and of what to render an account, 10, 85; remedy for not doing so, 86—88. He shall keep the deeds, charters, muniments, &c., and be responsible for the same, 10, 92. He shall keep the freemen's roll, 29. Town clerk cannot be auditor, 62; or assessor, 62. Town clerks refusing or neglecting to have the burgess lists printed, &c., penalty, 72. Town clerk exempted from serving on juries, 15, 167.

Trading, exclusive, right of, in boroughs, abolished, 2, 38, 39.
Treasurer, to be appointed annually by the council, 9, 10, 83, 84; must not be town clerk, 84; must give security, 84. His salary, 84. He shall pay no money but by order of the council, or (in certain cases) of the sessions, or of a justice of the peace, 10, 84, 85. When and in what manner to account, 10, 85, 92; remedy for not doing so, &c., 86—88. Not to be auditor or assessor, 62.
Treasurer of the county, to keep an account of the costs of prosecuting at the assizes for offences committed in boroughs, and make an order on the treasurer of the borough for payment, 15, 154.
Trusts: charitable trusts in corporations, to continue in those now exercising them, until the 1st day of August 1836, and then to cease, 19, 101; proviso for vacancies in the meantime, 101; and if Parliament do not make provision for such trusts before that time, the Lord Chancellor shall, 101.
Trusts, not charitable: council to be trustees, in all cases where the corporate body or any members thereof, *ex officio*, were sole trustees formerly, 19, 102; or where the latter were joint trustees with others, an equal number of the council shall be appointed, 19, 102, 103; how in cases of vacancy, 103. Trustees for a limited time to continue; for an indefinite time or for life, to continue until the 1st January, 1836, only, p. 103—105.
Trustee, meaning of the term in this act, 186.
Trustees for paving, lighting, cleansing, watching, regulating, supplying with water, and improving boroughs, may transfer their trusts to the council of the borough, (exception), 19, 105—107. Parts of a borough not within a local act as to lighting, may be ordered by the council to be included, 118. How far the council may take upon themselves the duties of inspectors, as to the lighting of the borough, under 3 & 4 W. 4. c. 90. p. 19, 119, 120.

U.

Universities of Oxford and Cambridge, rights and privileges of, not affected by this act, 2, 181.
University of Durham, rights of, not affected by this act, 2, 182.
Usages relating to the boroughs in sch. A and B, inconsistent with this act, abolished, 1, 23.

V.

Venue. See "*Action.*"
Vote: (see "*Election*") in wards, burgesses to vote in that ward in which their property is situate, 4, 69. Conviction of bribery, to deprive the party of his right of voting at any election, 3, 80, 81. See "*Bribery.*"

W.

Wards: where boroughs are divided into wards, the boundaries of the wards to be determined by the Revising barristers, 63, and the number of councillors to be elected for each ward, 65, 66. Lists to be made of the burgesses in each ward, to be called, "*Ward Lists*," 4, 69, 70; and each burgess shall vote in that ward in which his property is situate, 4, 69. Two assessors to be elected for each ward, 68.
Ward elections, when, how, and before whom, 4, 5, 67, 68, 69. An alderman to preside, 6, 68, 69; neglect of duty in that behalf, penalty, 71, 72.
Ward lists. See "*Wards.*"
Warrant, in prosecutions for offences under this act, 172; informality in it, not to invalidate it, 176.
Warrant, to require special constables to act, 113.
Watch committee, appointed by the council, 17, 107; to appoint constables, 17, 18, 107; to make regulations for them, 18, 108; and to transmit an account quarterly to the Secretary of State, with a copy of such regulations, &c. 18, 117.
Watch rate, 116, 117, 127.
Water, supply of, to boroughs. See "*Trusts.*"
Witness, power to summon, in prosecutions for offences under this act, 172; penalty for disobedience, 172; witness not incompetent on the ground of rateability, 173. See "*Recognizance.*"

PRINTED BY STEWART AND CO., OLD BAILEY.